

A WORD-BOOK
FOR
STUDENTS
OF
ENGLISH HISTORY.

BY
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Second Edition, Revised and Enlarged.

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"They who would advance in knowledge, and not deceive and swell themselves with a little articulated air, should lay this down as a fundamental relic, not to take words for things, nor suppose that names in books signify real entities in nature, unless they can frame clear and distinct ideas of those entities."—LOCKE, *Conduct of the Understanding*.

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BY REV. J. DE SOYRES,

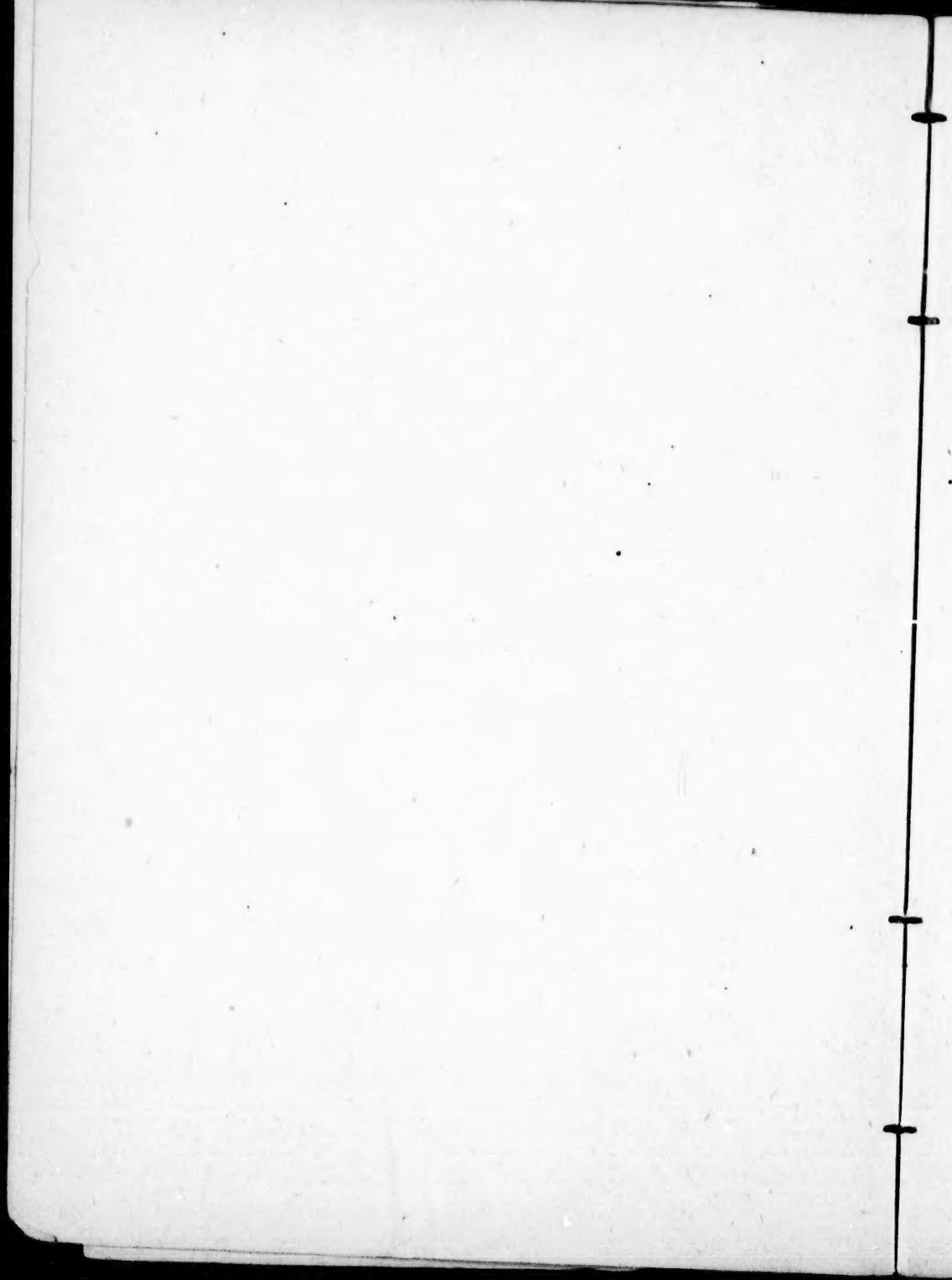
In the Office of the Minister of Agriculture, at Ottawa.

PREFACE TO THE SECOND EDITION.

WRITTEN originally for the private use of my students at Queen's College, this little Word-Book would hardly have aspired to the honours of a second edition. It received the kindly approval of Dr. Stubbs, then Regius Professor of History at Oxford, who furnished a correction of the definition of "Subsidy," now embodied in the present issue. The Rev. W. Wayte (Editor of the *Dictionary of Classical Antiquity*,) was good enough to suggest some further amendments, of which full use has been made. But with these exceptions the scope of the original work has not been enlarged. To those who have access to good libraries, it will be easy to supplement the hints and outlines furnished here.

It is hardly necessary to say that the legal references in all cases are concerned with English Law. I have to acknowledge very gratefully the aid of Mr. G. C. Coster, of St. John, in revising the proofs of the new edition, and the permission to consult the library of the Law Society.

St. John, N. B., Dec. 30, 1891.



PREFACE TO THE FIRST EDITION.

EVERY teacher of history knows that his main difficulty with younger pupils is in conveying the meaning of technical words and ideas which are beyond the reach of simple and vivid illustration. So long as the present system of examinations remains in vogue, and a teacher is forced to compress into a term the work for which a year would be hardly sufficient, so long it will be physically impossible to repeat definitions with sufficient frequency and variety to ensure comprehension. As far as the words themselves are concerned, there is no difficulty ; and that aggravates the evil because it so frequently conceals it. The most abstruse terms are often readily recollected, new or old forms of orthography accurately observed ; what is wanting is a grasp of the *idea*, the real thing meant. Some learners, indeed, seem to have sat at the feet of that distinguished "professor extraordinary" who said :

" Im ganzen—haltet euch an Worte !

Denn eben wo Begriffe fehlen
Da stellt ein Wort zur rechten Zeit sich ein."

And in this procedure they are not without example in some of their text-books. It seems, therefore, that some little help may be afforded by a brief glossary of the technical and foreign words most frequently met with.

The present work avoids not only the province of the Biographical Dictionary and Gazetteer, but also (as far as possible) that of the Dictionary of Dates. In a few cases, however, facts of history are mentioned

in illustration, although every effort has been made *not* to add another to the catalogue of cram-books, out of which a subject may be "got up" with the least expenditure of labour, and greatest certainty of speedy oblivion. For the more advanced, references are given to the Constitutional Histories of Stubbs, Hallam, and May, where the subjects in question are dealt with at length. An attempt has been made in the Appendix to furnish a brief sketch of the English currency, a subject of great importance in our history, which is too frequently omitted in elementary text-books.

London, 1882.

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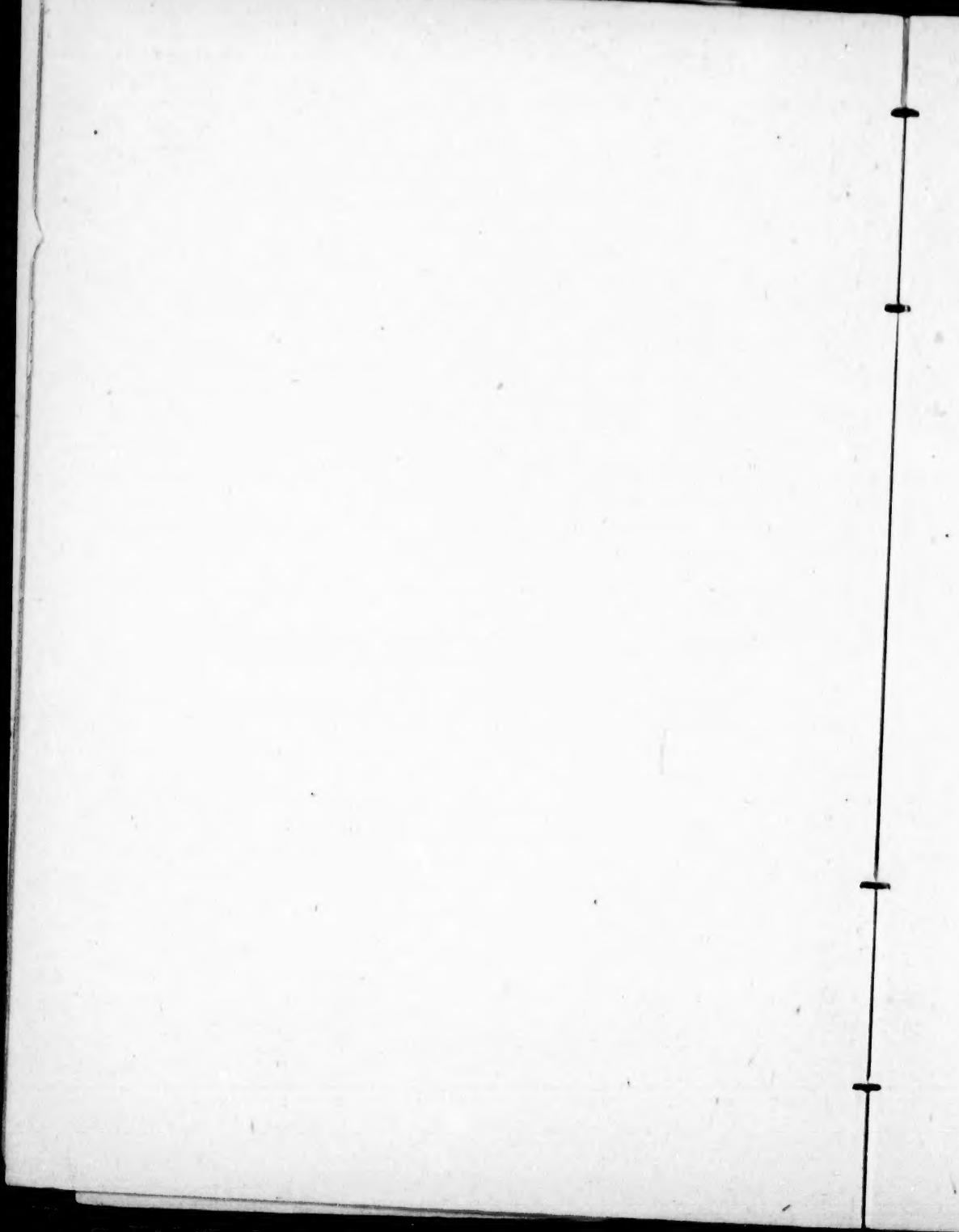
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WORD-BOOK OF ENGLISH HISTORY.

ABBOT (Lat. *Abbas*, Fr. *Abbé*, A. S. *Abbud*). A spiritual lord, having rule over a religious house or convent. Some were elected, others nominated; some also were mitred, were exempt from the bishop's authority, and had seats in the Council. Coke says there were 27 Parliamentary Abbots * supported by the summons to the Parliament at Winchester in 4 Ed. III. The *Monasticon Anglicanum* names:—

| | |
|-----------------------------|--------------------|
| St. Augustine's, Canterbury | Evesham |
| bury | Leicester |
| Croyland | St. Albans |
| Colchester | Gloucester |
| Cirencester | St. Edmund's |
| Selby | Reading |
| Thorpe | Ramsey |
| Hide | St. Benet de Hulme |
| Winchcombe | Thornby |
| St. Mary's, York | Westminster |
| Malmesbury | Shrewsbury |
| Beaulieu | Waltham |
| Glastonbury | Abingdon |
| Peterborough | Oseney. |

*Co. Litt., 97.

By stat. 27 Hen. VIII., c. 28, all abbeys and priories not above the value of £200 *per ann.* were given to the king; two years later the remaining abbots surrendered their houses.

ABDICTION (*abdicatio*) is where a king, magistrate, or other official person gives up his office before the term of service is expired. It has been distinguished from *Resignation* as being done simply, while the latter is in favour of some other person. The abdication of James II. was described in the Parliamentary Debates of the time, and elsewhere, as a *desertion*, but the House of Commons decided against the word, as implying a possibility of return. (Macaulay, ch. x.)

“ABHORRERS.” In the last months of the year 1679, the Earl of Shaftesbury and his party caused addresses and petitions to be sent from all parts of the country, praying for a speedy meeting of Parliament. The court party retorted with counter-addresses, in which *abhorrence* was expressed at these attempts to interfere with the discretion of the Crown. The two parties gained the nicknames of *Petitioners* and *Abhorrers* respectively, which afterwards gave place to those of Whig and Tory. (See Macaulay, ch. ii.; Hallam, *Const. Hist.*, ch. xii.)

ABJURATION (*abjuratio*) formerly signified a promise by oath to leave the kingdom, but later

was applied personally to the act of disclaiming allegiance to the Pretender. In the reign of Edward the Confessor, and down to Henry VIII., all persons who had committed felony, and had taken refuge in a sanctuary, might, within forty days, make confession to a magistrate, and "abjure the realm."

ABJURATION OATH. By the Act 13 and 14 Will. III. c. 6 (1702), an oath was required of all peers, Members of Parliament, office-holders, &c., by which the claims of the house of Stuart were denied. It received various modifications in the reigns of Anne and George III. and by the Catholic Relief Act, 10 Geo. IV. c. 7 (1829). In 1858, one oath was substituted for the three oaths of Abjuration, Allegiance, and Supremacy.

ACCESSORY. Where a man is guilty of a crime, not principally, but by participation, as by command, advice, concealment. They are distinguished as:—(a) Accessories *before* the fact; (b) Accessories *after* the fact.

"ACT OF GRACE." An amnesty or pardon granted in 1690 by William III. and Parliament to all political offenders with a few exceptions,—viz., the surviving members of the Regicide Court, and about 30 of the supporters of James II. (See Macaulay, ch. xv.)

ACTS OF PARLIAMENT. Bills which have passed through both Houses of Parliament, and

have received the royal assent. There is no real distinction between an *Act* and a *Statute*. They are referred to by the number of the Sovereign's regnal year, and that of the order in which the royal assent is given in that year. Thus the *Habeas Corpus* Act, passed in 1679, is styled 31 Car. II. c. 2, since Charles II. reckoned his reign from the day of his father's execution, and the Act was the second passed in that session.

ADALING (A. S. *Aetheling*). A nobleman. All original holders of land had this title. After the growth of royalty, it was reserved for those of royal blood, other nobles being called *Thegns*. (See Stubbs, i. 151-2.)

AD HOC. For a particular purpose, as an envoy *a. h.* sent to perform a special function, a congress which meets to settle a particular question.

ADMINISTRATION. The present practice of complete ministerial responsibility under the direction of a prime minister was not established before the reign of George I. The word is taken to mean not only the Cabinet, but all other officers of state whose resignation would follow a change of government. (See **CABINET**.)

ADVENTURERS. (See **MERCHANT ADVENTURERS**.)

AFFIRMATION. The solemn affirmation of a

Quaker was accepted instead of an oath in a Court of Justice by the Act 7 & 8 Will. III. c. 34 (1696). This privilege was extended to Moravians by an Act passed in 1838 (1 & 2 Vict. c. 77). The right of others to make affirmation instead of oath before taking a seat in the House of Commons was decided in the negative in Bradlaugh's case, 1881, but in 1888 an act was passed giving to all persons the right to affirm instead of taking an oath.

AID (*auxilium*, Fr. *aide*). In general, any subsidy or help in money granted the king. In the Feudal law, not only the king, but any baron might lay an aid upon tenants for the knighting of a son, or marriage of a daughter, or his own ransom. This was repealed by 12 Car. II. c. 24. Taxes were sometimes distinguished as not requiring these fixed occasions; both are mentioned by the famous statute 34 Ed. I. cap. 1, which enacts that "no tax or aid shall be imposed by the king without the authority of Parliament." (See Stubbs, *Constit. Hist.*, i. 577; ii. 240, 517.)

ALDERMAN (*Aldermannus*, A. S. *Ealdorman*). Originally a dignity of the highest rank, both hereditary and official, nearly synonymous with that of king. The primitive meaning refers to an "elder." In A. S. C., Cerdic and Cynric are called *Ealdormen*. After the Heptarchy they were viceroys of Mercia and E.

Anglia. Spelman mentions in his *Glossary* the title of *Aldermannus totius Angliæ*, which was found in an inscription upon the tomb of Ailwinus (*temp. Edgar*) at Ramsey Abbey, an office equivalent to that of Lord Chief Justice. In the reign of Henry I. we find mention of the *Aldermannus hundredi*, a further proof of the gradually diminishing dignity connected with the title. Cf. *Leg. Hen. I.* c. 8: "præsit autem singulis hominum novenis decimus, et toti simul hundredo unus de melioribus, et vocatur *aldermannus*, qui Dei leges et hominum jura vigilanti studeat observantia promovere." In modern times, the Alderman is a subordinate magistrate elected for six years, and retiring in rotation. (See Stubbs, *Const. Hist.*, i. 111-114, 134, 158-60.)

ALIEN (*Alienus, alienigena*). One living in a country to which he does not belong by birth, unless of parents who are not aliens. The law of England formerly laid exclusive stress upon the *place of birth*, claiming that all persons born in England remained citizens and subjects during their lives. By the Naturalisation Act of 1870, the position of Aliens is improved; they can own and convey property. A born citizen can also, by the same law, relinquish his citizenship, by naturalisation in another country.

ALLEGIANCE. Formerly **LIGEANCE** (*Ligare*). The relation of faith and obedience to the

sovereign, due from the subject, and dependent upon birth in the country, or naturalisation.

ALLODIAL (*Alod*) are free lands, which are enjoyed without paying any rent, service, or fine.

ALOD (A. S.). An estate which descended from father to son, and which had been granted at the first occupation of the country. No service was required, but presence when needful in the council and the army.

AMBASSADOR (*Legatus*, Fr. *Ambassadeur*). An officer ^{of} state, sent to a foreign country to represent ^{the} own sovereign or republic. Ambassadors are either *ordinary*, i. e. resident in the country where they are sent, or *extraordinary*, i. e. employed on a particular service. Their persons are sacred on all occasions, and (with some exceptions) their households also. But Don Pantaleon Sa, the brother of the Portuguese ambassador, was executed for murder, 1651. The immunity of an ambassador from arrest for debt was settled in the case of M. Mathwéof, the Russian envoy, *temp.* Queen Anne. (*Vide* Martens, *Causes Célèbres du Dr. des Gens*, 2^e série, i. 2.)

ANGYLDE (A. S.). The rate fixed by the law, at which certain injuries were to be paid for, either to person or property. In the former case, it seems equivalent to *Wer*. The "angylde"

seems also to have been the fixed price at which cattle and other goods were received as currency, and appears to have been much higher than the market price or "*ceap-gild.*" (THORPE.)

APPEAL (*Appellum*; Fr. *Appel*). 1. The removal of a cause from an inferior court or judge to a superior. 2. In the Civil Law it denotes an *accusation* most commonly, as also in our old law-books generally, e. g. "appeals of treason, of larceny, and of mayhem."

APPROPRIATIONS. From the time of the Conquest, the monasteries were enriched by receiving endowment (or *appropriation*) of property belonging to parishes, in return for which they were bound to provide for the spiritual wants. At the Reformation these *appropriations* passed to the Crown, or were granted to laymen, who were called lay-appropriators. (See IMPROPRIATION.)

APPROVER. In Law, one who, while confessing felony committed by himself, accuses others as accomplices. But in early times we find the name applied to certain overseers, as in the statute 2 Ed. III. 12, approvers are sent into counties to increase the farms of hundreds.

ARCHBISHOP. A title of dignity in the Church, first used in the fourth century, and found in the British Church (Caerleon) before the coming of Augustine. On consecration they received from

the Pope the *pallium* (*see PALLIUM*). The See of Canterbury was founded at the end of the sixth century; that of York in 627. Both Archbishops have courts, with an appeal to the Privy Council. (Stubbs, *Const. Hist.*, i. 221; Bright, *E. E. Ch. Hist.*, p. 93.)

ARCHDEACON. An ecclesiastical title unknown in England before the end of the 8th century. Wilfred was mentioned as Archdeacon of Canterbury *anno* 798 (Le Neve, i. 36). The territorial division of Archdeaconries did not take place until after the Conquest. Their duties are to assist the bishop in the supervision of the diocese.

ARRAIGN (*arranger*, al. *arraisonner*, in Norm. *aresnes* and *aresenez*). To call to account before the law. A prisoner is *arraigned* when he is indicted and brought to trial.

ARREST: (*a*) the seizure of a man's person by the law; (*b*) "*arrest of judgment*," its suspension upon showing proof of some material defect in the process.

ASSAY (*i. e.* of weights and measures): their examination by clerks of markets or other inspectors.

ASSAYER "of the king": an officer of the mint, who presided over the trial of silver.

ASSEMBLY OF DIVINES, sometimes called

the "Westminster Assembly," consisted of 130 divines, who met at the desire of Parliament in 1643, for the purpose of settling the religious affairs of the nation. Meetings lasted until the dissolution of the Long Parliament, in 1653.

ASSESSMENT. A valuation made by authorised persons, according to their discretion, as opposed to a sum paid by law (Blackstone). For instance, if a person neglects to make a statement of his income for the purpose of paying the income-tax on it, it will be *assessed* at the judgment of the surveyor.

ASSIENTO. A contract to supply slaves for the plantations in America, originally entered into between the Emperor Charles V. and the Flemings; later between France and Spain. By the 12th article of the treaty of Utrecht (1713) England took the place of France, relinquishing it finally in 1750, for an indemnity of £100,000.

ASSIZE (Fr. *assis*) is defined in the older law books as an assembly of knights, and other substantial men, with the justice, at place and time appointed, for the making and publication of laws. Gradually, it was associated with the commission given to the judges to try offenders in the different counties by circuits, although the older meaning is still preserved in such terms as the "*Assize of Bread*," mentioned in the statute 1 Vict. c. 38 (1837).

ASSOILZIE (*Absolvere*; old Fr. *assoirer*; and many other forms). A term of Scotch law, meaning to acquit—declare innocent.

ATHELBY } Name for the parent-village
ATHELHAM } in the Mark system. (Stubbs,
Const. Hist., i. 52.)

ATTAINDER (*Attingere*, to reach the criminal) is when a man commits treason, &c., and, after conviction, sentence is passed on him. Acts of *attainder* of criminals have been passed in several reigns, on the discovery of plots, from the reign of Charles II., when an Act was passed for the *attainder* of the regicides. In the reign of William III., the act of attainting Sir John Fenwick is notable, since only one witness appeared against him, although a recent statute (7 & 8 Will. III., c. 3) required two witnesses. But the circumstances of the case greatly modify the apparent injustice. A person attainted of high treason forfeited all his property, but this was abolished in 1833, by 3 & 4 Will. IV. c. 106. (See Hallam, *Const. Hist.*, iii. 160; **IMPEACHMENT** and **TREASON** *infra*.)

ATTORNEY means, strictly, a person appointed by another man to do something in his place. The Stat. of Westminster (1285) grants to all the power of appointing an attorney. Now used to mean a member of the lower branch of the law, sometimes called “solicitor.”

The Attorney-General is the chief legal adviser of the Crown; his office (*attornatus regis*) is mentioned first in 1278. (See Foss, *Judges of Engl.*, iii. 45.) The old meaning survives in the phrase "Power of Attorney."

BAIL (*Ballium*; old Fr. *bailler*), the setting at liberty of some one arrested on a civil or criminal charge, upon his giving surety for his appearance to stand his trial.

BAILIFF. An office which in early times seems to have been used with the meaning of *sheriff*, and is another instance of the diminution of the old official posts of local government. In *Magna Carta*, c. 28, the word *ballivus* seems to include sheriffs as well as bailiffs of hundreds. At the present day, the bailiff is chiefly employed to serve writs, and in other inferior legal functions.

BAN. A proclamation or public notice, by which a thing is commanded or forbidden. The only modern survival is in the publication of *bans* of marriage, by which all present are commanded to declare, if they know any cause which should hinder the marriage in question.

BANISHMENT. (*Bannissement*), or exile, a forced departure from the kingdom, and equivalent to civil death. By *Magna Carta*, c. 39, "no one should be outlawed or banished but by law-

ful judgment of his peers, or according to the law of the land."

BARON (*Baro*), explained in early laws as "*vassallus capitalis*," and is equivalent to A. S. *Theyn*. A term of rank, which comprises not only the greatest lords, but all who held directly of the Crown. ("Baro pro simplici magnate hodie notissimum, sed non pari ubique consideratione."—SPELMAN.) It received a second and particular application to the lowest order of the peerage (Bracton, i. 8), which is now the exclusive meaning. In the reign of John it was first enacted that only the greater barons should attend Parliament, and this was followed by the grant of *Letters patent*, conveying the title and rank to their heirs. There were also Barons *by office*, such as the Barons of the Exchequer, but the recent unification of our Courts has abolished the distinction.

BARONET. A hereditary dignity instituted by James I., in 1611, as a means of raising money. It ranks beneath the peerage, and above knighthood.

BARRISTERS. Lawyers empowered to plead in the courts, originally "apprentices to the law," first appointed in the year 1292. (See SERJEANT and INNS OF COURT.)

BASILEUS. ($\betaασιλεὺς$). A title found in several of our early historical documents, applied

to kings of England. For instance: "*ego Edgar totius Angliae basileus confirmavi, &c.*" It is found in Wm. Malm., Hoveden, Matt. Paris, and other writers.

BENEFICE. (*Beneficium*). Any post or promotion in the Church granted for life and not for a term of years or at will.

BENEFICIARY SYSTEM (*Beneficium*). One of the principles upon which the Feudal system was based. "It originated partly in the gifts of lands made by kings to their followers, in return for a pledge of fidelity; partly in the surrender by landowners of their estates to powerful men, to be received back again and held by them as tenants for rent or service." (Stubbs, *Const. Hist.*, i. 252-3.)—See COMMENDATION.

BENEFIT OF CLERGY, often mentioned as "clergy," was a privilege claimed and granted in the earliest times by the Church of being exempted from lay jurisdiction. To obtain it, it was necessary to give proof that the accused person could read, and if the judge certified *legit ut clericus*, even in case of felony, he escaped with branding. "At one sessions they hanged eighteen moss-troopers for not reading *sicut clerici* (North's *Life of Guildford*). A peer might plead clergy, and was not branded. Clergy was denied in case of certain offences by statute: and never permitted to Jews, Turks,

and Infidels. Women were also excluded before the reign of Will. & Mary. (Stubbs, iii. 341). The Duchess of Kingston claimed this benefit when convicted of bigamy temp. George II.

BENEVOLENCE. A voluntary gift from the subjects to the king, first expressly mentioned in the times of Edward IV., and in an Act of Parliament later (11 Henry VII. c. 10) granted to meet expense of wars. The last historical instance was in the reign of Charles II. (13 Car. II. c. 4), when a similar grant was made, but with the proviso that it should not be drawn into a precedent.

BILL (*Billa*). A word which has many meanings in the practice of the law, such as the "true bill," which is said to be found by the grand jury when they send a prisoner for trial; the declaration of a case, used in certain of the courts; and the document expressing an engagement for money given by one man to another. In Parliamentary proceedings it signifies the draft or words of a proposed law, before it has been passed by the two Houses, and has received the Sovereign's assent.

"BIRMINGHAMS." A nickname bestowed on the opponents of the Court in 1680. (See PETITIONERS.) It seems to have referred to the spurious coins issued at Birmingham. (Macaulay, chaps. ii., iii.) Hence, perhaps, the epi-

thet "Brummagem," in the sense of something not genuine.

BISHOP (*Episcopus*; Fr. *évêque*.) The chief of the clergy in a diocese, and the suffragan or assistant of the archbishop. In England the king sends a *congé d'écrire* addressed to the cathedral chapter, permitting them to elect a person named; should they neglect to obey within twenty days, they incur the penalty of a *præmunire*; and then the sovereign would nominate by letters patent. (25 Hen. VIII. c. 20.) On due election being made, the royal consent is given, and consecration follows. The bishop's powers are: 1. Ordination of clergy; 2, jurisdiction in his see; 3, administration of his revenues. Of the English bishops, twenty-four hold baronies, and sit in the House of Lords, as before in the *Witan* and council.

BISSEXTILE. Leap-year, the insertion of a day in the month of February, every fourth year. First introduced by Julius Cæsar. It is enacted by a statute 21 Henry III. that the 28th and 29th of February shall count but as one day in law. Repealed by 42 and 43 Vic., c. 59.

"BLACK ACT." The name given to a statute passed in the reign of George I. (9 Geo. I. cap. 22), by which a great number of offences, including deer-stealing, arson, sending anonymous letters, demanding money, &c., were made felony without benefit of clergy.

BLACK-MAIL. A certain payment, in money or kind, anciently paid in the north of England to purchase freedom or protection from border-robbers called moss-troopers. These robbers are the subject of several statutes as late as the reign of Charles II. (*Cf.* 18 Car. II. c. 3).

BLODWHITE (A. S.) (*Forisfactura sanguinis*). The fine imposed for drawing blood by wound or blow; reckoned among the minor penalties. If the criminal was not discovered, the place was answerable. The king could grant exemption from this responsibility. Jacob quotes an instance of a grant by Henry II.

BOC-LAND (A. S.). Land held by book or charter, which had been severed by an act of government from the *folk-land*, and converted into an estate of perpetual inheritance. (Thorpe.) It might belong to the king, the Church, or a subject, and could be alienated by sale or bequest, unless stipulation to the contrary existed. It could be forfeited for various crimes. Before the introduction of writing, it was conferred by the delivery of a staff, a spear, an arrow, a branch of a tree, or a piece of turf; and when the donation was to the Church, these symbolical representations of the gift were deposited on the altar. There are traces of this as late as the time of the Conqueror. *Boc-land* was exempt from all service except the so-called *trinoda necessitas*. (Stubbs, *Const. Hist.*, i. 76.)

BORH (A. S.). A surety (Lat. *pledgium*), with its compounds *borh-bryce*, failure of surety, either on the part of giver or receiver; *borh-wedd*, a pledge, &c.

BOROUGH (*Burgus*, Fr. *bourg*, A. S. *burh*). A corporate town, which sends representatives to Parliament, but is not a city (*see CITY*). The original name implies fortification.

BOROUGH-ENGLISH. A custom in some ancient boroughs, by which estates descended to the *youngest* son, or, if the owner had no issue, to his younger brother.

BRETWALDA. A title bestowed on, or claimed by, certain of the earlier kings. Bede (*H. E.*, ii. 5) names seven kings who had pre-eminence; the A. S. C. (*anno 827*) mentions them also with the title of *Bretwalda*. Although a charter of Athelstan, written in both languages, renders the word *rex totius Britanniae*, it is probable that the title conferred no real power over the other English kingdoms. (*See* Stubbs, *Const. Hist.*, i. 162, 3; Freeman, *H. N. C.*, vol. i., App. B.)

BURGESS (*Burgenses*; Fr. *bourgeois*). A word used in a twofold sense: 1, as denoting any inhabitant of a borough in enjoyment of its full privileges; 2, more frequently, its representatives in Parliament, as in the statute 9 Anne, cap. 7, which enacted that no man was

qualified for election as a *burgess*, unless possessed of an estate of £300 a year.

BURGLARY. The act of breaking into a man's house at night-time, intending to commit a felony.

BURH (A. S.). (*See* BOROUGH.)

BURH-BOT (A. S.). One of the necessary services comprised in the *trinoda necessitas* (*vide infra*), namely, the duty of keeping the fortresses in a fit state of defence.

BURH-BRYCE (A. S.). The violation of a man's castle or dwelling; also the fine for such a violation. This was one of the rights of the Crown.

BY-LAWS. Laws which do not affect the community at large, but only the members of a corporation, the inhabitants of a town or district, the travellers by a railroad, or other conveyance, &c. The power of making by-laws is included in the privilege of incorporation.

CABAL. "During some years the word *Cabal* was popularly used as synonymous with Cabinet (*See* CABINET). But it happened by a whimsical coincidence that, in 1671, the Cabinet consisted of five persons, the initial letters of whose names made up the word *Cabal*: Clifford, Ashley, Buckingham, Arlington, and Lauderdale. These ministers were therefore emphatically

called *The Cabal*; and they soon made that appellation so infamous, that it has never since their time been used except as a term of reproach." (Macaulay, *Hist. of Eng.*, ch. ii.)

CABINET. From earliest times the kings of England had been assisted by a Council, specially defined as *Privy* Council, when the Great Council of the Nation assumed the title of Parliament. By degrees it was found too unwieldy for the purposes of business, and an inner circle of confidential ministers really exercised power, and now is recognized as an essential part of the machinery of state. But it has no recognition in any Act of Parliament, nor are records of its meetings and resolutions preserved. The ministers who at present usually occupy seats in the English Cabinet, are :—

| | |
|-----------------------------|--------------------------|
| First Lord of the Treasury | President of the Council |
| Chancellor of the Exchequer | Lord Privy Seal |
| Lord High Chancellor | First Lord of Admiralty |
| Home Secretary | Secretary for War |
| Foreign Secretary | President of Board of |
| Colonial Secretary | Trade |
| Secretary for India | |

Some other offices, such as that of Postmaster-General, Chief Secretary for Ireland, and Chancellor of the Duchy of Lancaster, occasionally are accompanied by a seat in the Cabinet.

CALENDAR. 1. The list of the prisoners in the custody of each particular sheriff. Formerly, in the case of a capital conviction and sentence at the Assizes, it was the custom of the judge to endorse the Calendar, opposite the prisoner's name, with the abbreviation *sus. per coll.*, for *suspendatur per collum*. 2. The division of the year into months, weeks, and days. (See NEW STYLE.)

CANDLEMAS, or the Feast of the Purification of the Virgin Mary, the second of February. Called *Candlemas* or a "Mass of Candles," because before mass was said that day, the Church set apart and consecrated candles for the whole year.

CANON. 1. (*κανών*) A law or ordinance of the Church. 2. (*canonicus*) One of the chief officers in a cathedral body or chapter.

CANON LAW. A collection of Church Laws. The Roman Canon Law was never accepted as a whole in England, but only portions called the Legatine or Provincial Constitutions, which had been enacted or confirmed in national synods. In 1604 a number of canons were accepted by Convocation, but did not receive the assent of Parliament. Another body of canons made by Convocation in 1640 was voted unlawful by the House of Commons. They are not observed at the present day.

CARUCAGE. (*Carruca*, a plough.) A tribute imposed on every "carucate" of land, an extent generally reckoned as 100 acres. The *Carucage* of 1198 was rated at five shillings, and it was in effect a revival of the *Danegelt*.

CEAP-GILD (A. S.). A word very similar in meaning to *angylde*, and signifying "market-price." Is used in A. S. laws to describe the rate at which members of *frith-gilds* were recompensed for lost property.

CEORL (A. S.). A freeman of lowest rank, a *twy-hinde* man, *villanus*, &c. (Stubbs, i. 80.)

CHALLENGE (*Calumniari*). The right of a prisoner to object to a certain number of jurors. In the trial of Macguire (1645) he challenged the full number. (*State Trials*, iv. 667.)

CHAMBERLAIN. An official title shared by several dignitaries of the state: 1. Lord High Chamberlain of England; 2. Lord Chamberlain of the Household. At present ceremonial offices; the title originally designated an officer of the finances, second only to the Justiciar. (See Stubbs, *Const. Hist.*, i. 353; Maddox, *Hist. Exch.*, 38.)

CHAMPION. An ancient office, the holder of which was bound to appear on the coronation of an English sovereign, mounted and in full armour, to ride into Westminster Hall, and by

proclamation of a herald to declare: "That if any man should deny the King's title to the crown, he is there ready to defend it in single combat." The Sovereign then sent his champion a cup of wine. The office, from the reign of Richard II., remained in the Dymoke family.

CHANCELLOR. (*Cancellarius*). At first only a secretary under the Emperors, and is as remarkable an instance of increase, as the titles of *Alderman* and *Bailiff* show diminution of dignity. The office, at first held by ecclesiastics, in the reign of Henry I. was connected with the law, and in that of Henry II. styled "Chancellor of England." The L. C. has charge of the Great Seal. Sometimes the Seal is entrusted to an official called the Lord Keeper, who possesses all the power of the Chancellor, without the same rank.

CHANCERY (Court of). The court of the Chancellor, in which formerly the decisions were based on the system of *equity*, and without juries (see *EQUITY*). Recent legal changes have practically abolished all difference between the courts.

CHAPTER (*Capitulum*). The council of a Cathedral or collegiate church, comprising the dean and canons. During a vacancy, it governs the diocese, but the jurisdiction as between the bishop and the chapter is still a *rexata quæstio*, dependent upon the customs of each cathedral.

CHARTER (*Charta*; Fr. *chartres*). Strictly, any written evidence of things done between man and man; but more usually taken to mean documents conveying a grant of property, or liberties, from the Sovereign to a corporation or individual subject.

CHIMNEY-TAX. A tax levied in 1662, by the Act 13 & 14 Car. II., c. 10. It was very much disliked, and was repealed in 1689, by 1 Will. & Mary, c. 10. (*See HEARTH-MONEY.*)

CHIVALRY. In law, means holding lands by "knight service." The general or popular meaning refers to the customs prevalent in the ages of the Crusades and next succeeding centuries, with regard to the nature and obligations of military honour.

CIRCUIT. Certain divisions of the kingdom appointed for the Judges to go, twice a year, to try prisoners or civil causes in the counties.

CIRCUMSPECTE AGATIS. A writ, sometimes described as a statute (but cf. Stubbs, *Const. Hist.*, iv. 119), instituted in 1285 by Edw. I., with the object of defining the jurisdiction of spiritual courts. It recognised the right of the church courts to deal with pleas on offences, such as neglect to pay tithes, injury to churches, perjury, and defamation.

CITATION. A summons to appear, specially used with reference to the spiritual courts.

CITY (*civitas*). The difference between the meaning of *town* and *city* is not satisfactorily settled, but the latter name in England is generally applied to a town-corporate which possesses a bishop and a cathedral church.

CIVIL LIST. Up to the time of the Restoration, all the expenses of government, including military charges, were defrayed by the royal revenue. The latter were then separately dealt with by vote of Parliament, and the money granted for ordinary purposes was called the Civil List. Queen Victoria surrendered the hereditary revenues of the Crown for an income of £385,000, all expenses of government being paid by annual vote of the House of Commons.

COMITATUS. A body of warlike companions, who followed the king or military leader, and lived with him in time of peace. (*See GESYTH*, and *Stubbs, Const. Hist.*, i. 24.)

COMMENDATION. "The practice of the inferior putting himself under the protection of a lord, and doing homage. The typical act was the placing of his hands between those of his lord." (*Stubbs, Const. Hist.*, i. 253. *See BENEFICIARY SYSTEM.*)

COMMISSION. In addition to several more strictly legal meanings, this word is used to denote the handing over the duties of a great office, such as that of the Lord Treasurer or

Chancellor to certain subordinate officials, thereby putting the office *into commission*. At the death of Lord Southampton in 1667, this was done with the Treasury, and it has been frequently the case with the Great Seal, the Chief Commissioner then being styled Lord Keeper.

COMPURGATION. The privilege of escaping the ordeal by obtaining the oaths of certain free men in favour of the accused person. Their number varied according to the nature of the crime, or the importance of the subject in dispute. (See Stubbs, *Sel. Ch.*, p. 61.)

CONGÉ D'ÉLIRE. (See BISHOP.)

CONSISTORY. A tribunal or court; mainly used for the court belonging to each archbishop and bishop, though sometimes as describing a meeting or council.

CONSTABLE. (*comes stabuli*)—master of the horse. 1. *Lord High Constable*, a very ancient order of great dignity which was inherited before the reign of Henry IV., then given for life, and on the attainder of the Duke of Buckingham, *anno* 13 Hen. VIII., became forfeited to the Crown, and has never since been granted except at coronations, to enhance the dignity of the occasion. 2. *Petty Constable*, officer of the common law, whose duty it is to prevent breaches of the peace, and to arrest malefactors.

CONSUL. In modern times denotes the officer sent to reside in a foreign country to protect the commercial interests of his own. If an ambassador or envoy from the country also resides there, the consul is subject to him.

CONTEMPT (of Court). Disobedience to the rules and orders of a court, which can be punished by immediate imprisonment until obedience is promised, or, technically, "contempt is purged."

CONVENTICLE. A private assembly for the exercise of religion, a word employed chiefly in the 17th century (although in earlier statutes, 2 Hen. IV. c. 15; 1 Hen. VI. c. 3), and especially in two Acts of Charles II., (16 Car. II. c. 4. and 22 Car. II. c. 1), the former of which declared that all *conventicles* were to be suppressed, and the latter imposed various penalties upon all persons above the age of sixteen, who should attend such meetings. These Acts were virtually repealed by 1 Will. & Mary, c. 18.

CONVOCATION. The assembly of all the Clergy of England to consult about the affairs of the Church. There are two provinces, Canterbury and York, and each has its upper and lower house. Convocation was summoned originally to levy tax on Church property, and formerly received this function in 1295 by royal

authority. In 1717 it ceased to meet until revived in 1854.

COPYHOLD. A tenure of land, inferior to freehold, by which the tenant has only the *copy* of the memorial rolls as his title.

CORONER (*Coronator*). A very ancient officer of the realm. The office is mentioned in a charter of Athelstan's, *anno* 925. The duties were various in earlier times, embracing all those of the sheriff when absent or incapable. After the statute *de officio coronatoris* (4 Ed. I.,) the sphere of the coroner was restricted to taking inquests in the case of violent deaths. He is empowered to summon a jury, to take evidence on oath, and to commit to prison. The verdict of the jury has to be returned to the justices of the next gaol delivery. It is to be noted that, by the common law of England, no coroner's inquest can be held except *super visum corporis*, on sight of the body.

CORPORATION. A joining together of many persons into one fellowship for the purpose of legal continuance and action. By legal fiction there are some *corporations sole*, consisting of a single person, as a King, Bishop, &c. But the usual division is in corporations *lay* and *ecclesiastical*. They are created by prescription, charter or letters patent, and Act of Parliament. The city of London is an instance of existence

by prescription. Corporations can be dissolved upon the writ *quo warranto* (see QUO WARRANTO), by surrender, or by Act of Parliament.

COURT (*Curia*). Meant originally the king's palace, and then the part of it in which justice was administered. The *curia regis* accompanied the king's household, and its meetings were usually at Christmas, Easter, and Whitsuntide. By Magna Carta, § 17, the first fixed court was appointed; the whole system was reformed by Henry II. in 1178, and the division into Common Pleas, King's Bench, and Exchequer courts existed in the reign of Henry III. (See ASSIZES). By the recent Judicature Acts of 1873 and 1875, these courts have been re-united into one High Court of Justice, which also includes the Court of Chancery, the Exchequer Chamber, the Probate and Divorce Courts.

CROWN (*Corona*). A word used to signify the dignity and possessions of the sovereign of any kingdom, and generally the sovereign himself. The Crown of England was elective before the Conquest, although the Witan never claimed the power of going beyond the royal family. Infant children of a deceased king were passed over in favour of his brothers in many cases. From the Conquest the hereditary principle gradually gained ground, and with it the theory of the royal power, notwithstanding the parallel

growth of Parliament. (See Stubbs, *Const. Hist.*, i. 140, 338; ii. 514; iii. 506. Hallam, chaps. i., v., vi., and xiii.)

CURFEW (*Couvre feu*). The bell rung towards nightfall, by order of William the Conqueror and his successors, after which all fires and lights were to be extinguished. The bell is still rung in some parts of England. The usual hour was seven o'clock in the winter.

CUSTOM (*Consuetudo, coutume*). A law not written, established by long usage, and the consent of our ancestors. Customs must have four inseparable incidents: 1. A reasonable beginning; 2. To be certain, and not ambiguous; 3. Uninterrupted continuance; 4. Not to infringe the rights of the sovereign.

CUSTOMS. Tribute or toll paid by merchants to the State on imports and exports. First created in the reign of Edward I., when his Parliament granted him (*anno* 1275) a tax on all merchandise imported or exported.

CUSTOS ROTULORUM. He who has custody of the rolls or records of the County in England, now usually the Lord Lieutenant.

CYNE-BOT (A. S.) (or *cyne-gild*). The portion belonging to the nation of the mulct for slaying the king, the other portion, or *wér*, being due to his family. (Thorpe.)

CYNE-HLAFORD (A. S.). A royal master or lit. nourisher (B.). From *Cyne*—kingly, *hlaf* food, *ord*—origin. A title employed in the Laws of Etheldred. (See Stubbs, *Const. Hist.*, i. 177.)

CYRIC-BRYCE (A. S.). The crime of breaking into a Church (B.).

DANEGERLT (*Denegeldum*). A tax of one shilling—later of two shillings—upon every hide of land.

DANELAGH. A word used by our earlier jurists and historians, meaning the laws introduced by the Danes, and maintained from the ninth to the eleventh centuries in the territory they occupied. (See Spelman, *s. v.* "Lex *Danorum*," and Stephens, *Comm. on the Laws of Engl.*, i. 42.)

DARREIN PRESENTMENT. One of the "writs of assize," or proceedings by which a dispute as to the holding of a benefice was determined. (See Stubbs, i. 617-20; Jacobs, *Law Dictionary*, *s. v.* "Assize.")

DE DONIS CONDITIONIBUS. The first words of a law passed in the year 1285, and the first article on law of the second statute of Westminster. It enacted that the holder of an estate had only a life interest in it, and if he survived his children, at his death it reverted to the original grantor. (See Stubbs, *Const. Hist.*, i. 118.)

DE FACTO means a thing actually done, or a king in actual possession, although he may be a usurper. The king *de jure* is one whose right is undoubted, but who may be out of possession. The famous statute (11 Henry VII. c. i.) declares that it is not treason to obey and assist a king *de facto*, although its principle was infringed in later centuries more than once. (See Hallam, *Const. Hist.*, ch. i.)

DEGRADATION. Chiefly used to denote an ecclesiastical censure, by which a clergyman was divested of his holy orders, according to the Canon law. There was also the *degradation* of a lord or knight, by the common law, when attainted of treason. The Earl of Carlisle was degraded, *anno* 1323, and when the judgment was pronounced, his sword was broken over his head, and his spurs hewn off. The latest instance is a *degradation* by Act of Parliament, in the reign of Charles II. (13 Car. II. c. 16) by which Lord Monson, Sir Henry Mildmay, and others were degraded from all their titles and honours.

DEMESNE (*Dominium*; O. F. *demeaine*; and many other forms) has the signification of *patrimonium domini*, or the principal dwelling and adjoining estate belonging to the lord, and reserved for his occupation

DENIZEN (*Donatio*; O. F. *donaison*). An alien to whom the rights of nationality has been

granted, with the exception of the capacity of inheriting lands by descent. It confers therefore a less extensive privilege than Naturalisation (*q. v.*).

DEODAND (*Deo dandum*). When any person suffered a violent death by accident in ancient times, it was the custom to deliver the object which was the cause of death to the Church. For instance, if a man in driving a cart, fell and was crushed by the wheel, the cart and horses were forfeited as *deodand*. In later times, the lord of the manor claimed the *deodand*, which has since become obsolete.

DEPRIVATION. The taking away of a benefit by sentence of an ecclesiastical court.

DIET. An assembly: as the *Diet* of the Empire, of Ratisbon, &c. The *Diets* of the Empire of Germany were similar to the French *Champs de Mars* and *de Mai*. Every freeman had a right to be present.

DIALOGUS DE SCACCARIO. A political treatise, written by Richard, Bishop of London, Treasurer of the Exchequer, and giving a valuable account not only of the special procedure of that department, but also of many other subjects connected with the political development of the nation. (See Stubbs, *Sel. Ch.*, 168.)

DISFRANCHISE. To take away certain liber-

ties and rights belonging to a corporation or individual ; as for instance, to punish bribery in a borough by denying it the privilege of electing Members of Parliament. In modern times this meaning is exclusively used.

DISPENSATION. Relief from a duty, or limitation, granted by a superior. Almost wholly used in reference to ecclesiastical laws. When the Papal power ceased it was enacted (25 Hen. VIII. c. 21) that the Archbishop of Canterbury should hold the power, though with the proviso that in new or extraordinary matters the King's consent under the Great Seal must be obtained.

DISSENTERS, or Nonconformists. Those who do not comply with the forms of the Established Church in England. Formerly subject to various penalties and disabilities, such as the Test, Five Mile, and Conventicle Acts ; but Dissenters obtained freedom of worship by the Toleration Act of 1689, and the Test Act was repealed in 1828. At present the only persons in the country required to belong to the Established Church are the Sovereign, the Lord Chancellor, and the Viceroy of Ireland.

DISTRAINT OF KNIGHTHOOD. The tenure of a knight's fee, or an estate worth £20 a year, brought with it the duty of receiving knighthood ; and the "assize of arms" (1181) compelled every one to possess arms according to

his wealth. The first steps to enforce the duty of knighthood began under Henry III., and his successor carried out the policy more stringently. (Stubbs, *Const. Hist.*, ii. 282-3.)

DOMESDAY. A register of landed estates in England, commenced 1085, ended in 1086. (See A. S. Chr.) Its survey extended over all districts except Northumberland, Durham, and parts of Westmoreland and Cumberland. (See Freeman, *Norm. Cong.*, chaps. 21, 22, and *Append. A* in vol. v.; Stubbs, *Const. Hist.*, i. 188, 259, 266, and ff.)

DOMICILE, in international law, means the country in which a person has subject rights, either by birth, naturalisation, or residence. It is acquired and forfeited by circumstances differing in various countries.

DOOM. A judgment or legal decision. "Alfred made a collection of *dooms*."

DRENG (A. S.) (Late Lat. *threngus*). The name for a class of inferior tenants, who paid in rent and not in military service. (Stubbs, *Const. Hist.*, i. 262).

DUEL (*Duellum*). A combat of two which had anciently a place in our jurisprudence as a test of innocence. Although deemed obsolete in the last century (*cf.* Jacob's *Law Dictionary*, 1782) it was claimed by a criminal in 1817.)

DUKE. The highest title of English nobility. Introduced by Edward III., who created his son, Edward, duke of Cornwall (1337). Extinct in 1572, revived by James I. The *premier* duke is the D. of Norfolk.

EALDORMAN. (*See ALDERMAN.*)

EMBARGO. A term which means a prohibition from sailing, laid upon ships in a harbour. The Crown has a right to "lay an embargo" in time of war, in order to prevent stores or munitions coming into the hands of the enemy.

ENDOWMENT. Apart from its legal meaning of granting *dower*, it is used to describe the setting apart a sum of money to provide income for a church, hospital, or school, or stipend for a clergyman.

EORL (A. S.) (*comes*; O. N. *jarl*). The companion of the prince, but in A. S. and O. S. poetry it signifies *man*, though generally applied to one of consideration. The title was introduced by the Jutes of Kent, and occurs frequently in the laws of the kings of that district. Its more general use dates from the later Scandinavian invasions, and though originally only a title of honour, it became in later times one of office. (*See* Stubbs, *Const. Hist.*, i. 80, 151-2, 170.)

EQUITY. A correction or qualification of the strict letter of the law, which in England has

grown into a separate body of law with its own rules and precedents. The Equity Courts are those of the Chancellor, Lord Justices of Appeal, Vice-Chancellors, and the Master of the Rolls, together making up the Court of Chancery. But the Judicature Acts of 1873 and 1875 have taken away nearly all the distinguishing features of the Equity courts.

ESCHEAT (*écheir*) means the forfeiture of lands or property to the king or lord, either by consequence of crime or death without heirs.

ESCUAGE. (*See SCUTAGE.*)

ESNE (A. S.). A slave or unfree man who works for hire. Another meaning is that of *vir juvenis*, according to Schmid. (Stubbs, *Const. Hist.*, i. 78.)

ESQUIRE (*écuyer*). The lower and preparatory step to knighthood. The esquire bore the shield of his knight. It is a title which can only be legitimately borne by certain classes of the community, eldest sons of knights, justices of the peace, &c.

EVIDENCE. Proof or disproof of a statement, furnished by the testimony of men on oath, or by documents and records. (*See TREASON.*)

EXCHEQUER (*Scaccarium; O. Fr. eschequier*). An ancient court, now absorbed in the High Court of Justice, in which all causes touching

the revenue and rights of the Crown were heard, and the revenues were received. It owed its foundation to William the Conqueror, but was not established as a court with the so-called *Barons* until the reign of Henry I. The judicial part dealt with both law and equity, but by a fiction it was always assumed that the plaintiff was a tenant of the Crown, or in some other way accountable. The financial part is under a Chancellor, who is now always a member of the Cabinet. (See *Stubbs, Const. Hist.*, i. 376.)

EXCISE. A duty upon beer and other liquors, first imposed by Parliament in July, 1643, and in general distinguished from *customs* as applying to such goods as are manufactured in this country. (See *Hallam, Const. Hist.*, ii. 178.)

EXCOMMUNICATION. An ecclesiastical punishment, by which an offender is excluded from the communion of the church. It was anciently divided into two classes, *major* and *minor* excommunication, the former excluding not only from the Sacrament, but from all fellowship with the faithful.

EXECUTION means the last performance of an act, as of a judgment. In English history applies almost exclusively to the punishment of death.

FEALTY (*Fidelitas*) signifies the oath of fidelity, taken at the admittance of every tenant, to

be true to the lord of whom he held his land. It differed from *homage* in being permanent, as well as in the formalities observed. It was required of all tenants but those at will and in *frankalmoign*.

FELONY (*Felonia*, ? A. S. *Feoh-lon*, so Spelman) meant originally any capital crime done with evil intent, and included almost every criminal offence. The punishment in our old law-books is: 1. Death. 2. Forfeiture of goods and lands. Some felonious acts were allowed the benefit of clergy for the first offence.

FEOFFMENT. A gift or grant of lands or tenements to another in *fee*, *i. e.*, to him and his heirs for ever, by delivery of seisin and possession.

FEORM (A. S.). Farm purveyance, food; in A. S. laws applied to a certain portion of the produce of the land, due by the grantee to the lord, according to the terms of the charter.

FEORM-FULTUM (A. S.). Rent paid in kind from royal demesne or public lands.

FEOS-BOT (A. S.). Amendment of the coinage.

FINE (*Finis*). 1. Meaning a mulct or pecuniary punishment, inflicted on lesser offenders. 2. An agreement for settling the possession of lands or houses.

FIRST-FRUTS. The profits of a benefit for the first year after a vacancy takes place. These were given in ancient times to the Pope, and were first claimed by him in England of the foreign nominees, later of all benefices. After the Reformation they were vested in the Crown. In the reign of Queen Anne (2 Ann. c. 11) the first-fruits were settled on a corporation for the benefit of the poorer clergy. (See **QUEEN ANNE'S BOUNTY**.)

FOLC-LAND (A. S.). The land of the nation, and property of all in common. It might be parcelled out to individuals by the *folc-gemót*, with the consent of the freemen, but not in perpetuity, and it reverted to the people. The temporary possessors were subject to many burthens from which *boc-land* was exempt: 1. They had to assist in public works. 2. To have travellers quartered on them; to furnish hospitality and means of progress to kings and great men. It has been shown that men of high rank held *folc-land* on these terms, as well as *boc-land*, and that the former was greatly sought after.

FOLC-MOTE (or *Gemót*). The annual meeting of the whole people on May-day, whether of a town or shire.

FRANK FEE. A tenure opposed to that of *Ancient Demesne* (q. v.); all that was not held as of A. D. was in Frank Fee. (Burrill, *Law Dict.*)

FRANKALMOIGN. A tenure of land enjoyed by a spiritual corporation, by which they held in free and perpetual gifts or alms.

FRANKPLEDGE (*Francus plegius*, or *Frith-borh*). The system by which all free persons were associated in tithings, whose members were mutual security or "borh" for each other. This institution is mentioned in Edgar's laws, and, in its perfected form, dates probably from the Conquest, but is not to be confounded with the older A. S. system of *Frith gilds*, or voluntary associations for the security of property.

FRAUDS (Statute of), 29 Car. II. c. 3, requires that contracts, agreements, leases, &c., shall be put in writing.

FRIARS. Certain orders of monks instituted in the thirteenth century by Francis of Assisi (1182-1226), and Dominic (1170-1221). They were forbidden to hold property, and went from place to place preaching and begging. They came to England early in the thirteenth century, and had great influence on national life. (*See* Green, *Short History*, pp. 144 ff.; Lingard, iv. 213.)

FRITH-BORH (A. S.). (*See* FRANKPLEDGE.)

FYRD (A. S.) (Lat. *expeditio*). The duty of military service for the defence of the kingdom. Hence derived *fyrd-wite*, the penalty for neglecting the *fyrd*, *fyrd-bót*, &c. (*See* Stubbs,

Const. Hist. i. 76, 117, 190-3; *Freeman, H. N. C.*, iii. 336.)

FUNDS. The money which the State has borrowed from time to time, and pays interest upon. The securities can be bought or sold in the money-market. The English Funds date from 1689, and the legal interest has been gradually reduced from 6 to 3 per cent.

GABELLE (Fr.) A tax imposed on salt, but the word was used later in the general sense of a tax. The English equivalent "Gabel" is occasionally found in our law-books and charters.

GAFOL (A. S.). Tax or rent, equivalent to Latin *vectigal*. [Compounds: 1. *Gafolgelda*—“one paying rent for the land he occupies, opposed to *land-agende* or ‘land-owner.’” 2. *Gafol-land*—“folc-land let upon rent.”]

GARTER (Order of). The highest order of knighthood in England, founded by Edward III. in 1344. It is the first dignity after the nobility.

GAVELKIND. (? Derived from *Gabel*, i. e., branching out as in prongs of a fork). A custom of tenure peculiar to the county of Kent, by which a father's lands are divided equally upon his death among his sons, or (if he have no issue) among his brothers. This represents the most ancient principle of inheritance in land, and its

survival in Kent has been explained by the supposition that the Kentishmen were able to make more favourable terms with the Conqueror.

GEMOT (A. S.). (*See MOTE.*)

GENTLEMAN (*Generosus*, Fr. *gentilhomme*). Means in law all above the rank of yeomen, and in general those who, without any title, are entitled to bear a coat of arms. The word is found appended to a name, like our modern usage of *Esquire*, but rarely before the reign of Henry V.

GESITH (A. S.) (Lat. *Comes*). A companion or follower, one who assisted the king in his wars and lived with him. It was the right of the king to maintain a *Comitatus*, to which he might grant lands and power.

GESITH-CUND (A. S.). Of the same rank or class, from *gesith*—companion, and *cund*—sort or kind.

GILD (A. S.). A club or association of persons for mutual protection and benefit. There were several kinds of Gilds. The Merchants-Gilds and Trade-Gilds survive to the present day in our Civic companies. (*See* Stubbs, *Const. Hist.*, i. 405, ff).

GOD-BOT (A. S.). A fine for sacrilege, or an offence against the Church.

GRAND JURY. (*See JURY.*)

GREAT ASSIZE. Sometimes called "Grand Assize." A special or extraordinary jury introduced *temp.* Henry II. as an alternative to the barbarous system of "Trial by Battle," which was regarded as a foreign innovation as well as an abuse. It consisted of four knights selected by the sheriff, who themselves chose twelve others, called "Recognitors," who were sworn, and decided on the issue. (See Stubbs, *Const. Hist.*, i. 615-617).

"GREEN CLOTH" (Board of). A board or court held in the office of the king's (or queen's) household, composed of the Lord Steward and inferior officers.

GRITH (A. S.). Peace or protection. It differs from *frith* in having a restricted meaning, applying to the protection granted to an individual, or for a given time a district. It came into use in the Danish struggle. (See Bosworth, and Stubbs, *Const. Hist.*, i. 181).

GRITH-STOL (A. S.). Sanctuary, literally "chair of peace."

"HABEAS CORPUS" (Statute of). An Act of Parliament passed in the session of 1679, and referred to as 31 Car. II. c. 2. Its principal effect is to bring the *body* of any person who has been committed to gaol before trial into court, either in criminal or civil causes, and thus to

prevent unjust imprisonment of one who may be innocent. (Hallam, ch. 13.)

HÆRETICO COMBUREND0. The writ or legal warrant, granted by the Court of Chancery, by which a person convicted of heresy or witchcraft was condemned to be burnt. It was passed in the reign of Henry IV. (2 Hen. IV. c. 15); and repealed by the statute 29 Car. II. c. 9. (Stubbs, iii. 357.)

HAM-SOKN (A. S.) or "Domus invasio." A breach of the peace by forcible entry into a man's house.

HANSA (A. S.). A trade guild. From this word is derived the term "Hanse towns," applied to certain towns in Germany and neighbouring lands, to the number finally of eighty cities, which formed a confederation for mutual protection and commercial advantage.

HEADBOROUGH. Originally the title of the chief man of the tithing or frank-pledge (*see FRANK-PLEDGE.*) Later the name was applied to constables, but it is now obsolete.

HEALSFANG (A. S.). The sum a man sentenced to the pillory would have to pay, in order to escape that punishment. The word properly means the pillory itself.

HEARTH-MONEY, or *fumage*, a tax imposed on every chimney in a house, according to

Domesday. In the reign of Edward III., a tax of one florin per hearth was imposed by the Black Prince upon his territories in France. (*See CHIMNEY-TAX*).

HERALD. Officers who in ancient times were entrusted with declarations of war, proclamations of peace, and messages between belligerents. At present their duties are restricted to the management of state ceremonies, the regulation of coats of arms, and orders of precedence. They form a corporation called the Heralds' College, presided over by three principal officers, called Kings-of-Arms, with the distinguishing titles—Garter, Clarencieux, and Norroy. The titular superior is the Earl-Marshal of England, an honorary post now hereditary in the family of the Dukes of Norfolk.

HERESY (*αἵρεσις, hæresis*) means in English Law the holding or setting forth of an opinion contrary to the established form of Christian doctrine, and is now only recognised in the case of the clergy. Formerly, until the repeal of the Act *de hæretico comburendo* (which *see*), various penalties, including that of death, could by law be inflicted on all persons holding such opinions. The last instance of capital punishment was in the reign of James I., when Bartholomew Legat and Edward Wightman were burnt for denying the doctrine of the Trinity (1612). (*See Lingham, ix. 217.*)

HERIOT (*here-geatu*). The military equipment of a vassal, which on his death reverted to his lord. In the later laws the heriot is often Latinised as *relevium*; but properly it differed from the relief, which was the payment made by the heir to secure the possession of his inheritance. (See Stubbs, *Const. Hist.*, i. 261.)

HIDE (*Hida* or *hyd*). A measure of land varying at the time of Domesday, but in Hen. II.'s reign fixed at 100 acres. (So in *Dialogus de Scacc.*) The word was also taken in the sense of *skin*, slaves being said to "suffer in the hide" or "pay with the hide," and this penalty might be commuted for a payment called *hydgild*. (Stubbs, i. 74.)

HOMAGE (*Homagium*). The process of acknowledging oneself the *homo* or vassal of a feudal superior. (Stubbs, iii. 514.)

HUE AND CRY (from Fr. *huer et crier*) means a public proclamation of a crime, and pursuit of the criminal; equivalent to the Norman *Clameur de Haro*, which still survives in French as a popular phrase ("*cria haro sur le baude*."—La Font.). It was the Common Law of England that the hundred was answerable to the injured person, if his *hue* and *cry* were not pursued. *Haro*—"Ha Rollo!" invocation of the founder of Normandy. It is still law in our Channel Islands. A few years ago, in a Jersey law suit,

the solicitor of the railway company sat down in the street of St. Heliers and cried *Haro*, to fulfil the letter of the law.

HUNDRED. An organisation found in the earliest Germanic institutions, and *probably* carried into the English political system. (But cf. Stubbs, *Sel. Ch.*, p. 67.) It is not even certain whether the origin of the English *hundreds* referred to the number of hides of land, or of families. The ordinance of Edgar (A. D. 959, 975) expounds the system of hundreds, and their courts and privileges. (*Ibid.* p. 69.)

HUSCARL (D). A Danish title, corresponding to the Saxon *gesith*, or companion to the king. They were of different rank, but in war acted as the king's life-guard, and were, in fact, his only standing force. (See Stubbs, *Const. Hist.*, i. 150.)

HUSTINGS. The platform upon which candidates for election to the House of Commons were publicly nominated, and addressed the electors, after which a show of hands was taken. Owing to the riots which usually accompanied this proceeding, and the fact that the "show of hands" was a totally useless formality, as a poll was invariably demanded, the public nomination was abolished in 1867, and the necessary proceedings usually take place in the town-hall or court of the borough or county town. (See **ELECTION**.)

ICH DIEN (*Germ.*) "I serve." The motto borne by the Princes of Wales. Formerly that of John, King of Bohemia, slain at the battle of Crecy, and adopted by the Black Prince after that battle.

IGNORAMUS. A technical term of the law, used by a Grand Jury when they decide that the evidence is insufficient to make a case for prosecution on a criminal charge. When the Earl of Shaftesbury was indicted for treason in 1682, the Whig Grand Jury *ignored* the bill. (*See Sta. Tr.* viii. 759.)

IMPANEL. To enrol or form a list of persons to serve on a Jury. Sometimes used in the sense of *summoning* the requisite number.

IMPEACHMENT. The accusation and prosecution of persons accused of treason, or of other crimes and misdemeanours, but almost always used to describe the prosecution conducted by Parliament. A member of the House of Commons can *impeach* another member, or a Peer; the procedure being in the form of *articles*, which selected speakers called *managers* are appointed to expound and make good. The same rules of evidence applied in cases of impeachment as in ordinary courts, but not in bills of Attainder. (*See ATTAINER.*) No pardon under the Great Seal could be pleaded to an impeachment by the Commons. (12 & 13 Will.

III. c. 2). Before this, in the reign of Charles II., the Earl of Danby escaped the consequence of impeachment by such a pardon.

IMPROPRIATION. A more accurate expression for the reception of tithes by laymen, or, as in former times, by monasteries.

INBORH (A. S.). A pledge or security, meaning the goods of a person unable to obtain a personal *hōrh* or surety.

INGENUI. Freemen. The intermediate class between the *nobiles* and the *liti*. (Stubbs, *Const. Hist.* i. 42, 44.)

INDICTMENT. A declaration of complaint, referring to a crime or misdemeanour, and presented to a Grand Jury.

INDULGENCES. Documents issued by the Church of Rome, purporting to pardon any sins committed by the receiver, or to remit the whole or a portion of their penalty. In the period preceding the Reformation these *indulgences* were the subject of traffic in England, though not to so great an extent as in other countries.

“INLAW” (To). The process of restoring to a man who has been *outlawed* his rights as a citizen. It is mentioned in Domesday that a certain man was *exlex*, whom later “*Alluvius fecit illegem.*” (Quoted by Freeman, *H. N. C.*, v. 800.)

INNS OF COURT. Institutions for the study of the law, and forming at the same time a legal guild of all persons belonging to the profession of barrister. The four principal are the Inner and Middle Temple, Lincoln's Inn, and Gray's Inn. No one can become a barrister but by becoming a member of one of these, and they have the power of expelling (or disbarring, as it is called) any of their members in case of necessity.

INQUEST. The court held by a Coroner to determine the cause of any violent or sudden death, and in case of crime, to detect and prosecute the perpetrator. (*See CORONER.*)

INTERREGNUM. An interval between the death or abdication of one sovereign and the legal accession of the next.

INVESTITURE. The act of giving possession of an office or estate. In early times conferred by a form of words, or by a symbolical action (*see BOC-LAND*). The word is most frequently used in our earlier history in reference to ecclesiastical benefices, and the contest between the Crown and the Pope as to the right of nomination. Henry I. conceded the right of *investiture* to the Church, but obtained that *homage* should be done to him. In the investiture of a bishop, a ring and a pastoral staff were given to him.

JESUIT. Member of the "Society of Jesus," a religious order of the Roman Church, founded

in 1534 by Ignatius Loyola. Special laws against Roman Catholic priests included the Jesuits by name. As late as 1670 an Act of Parliament imposed fine and imprisonment on those who, knowing, did not denounce priests and *Jesuits* to a justice of the peace.

JURISDICTION. The authority which a person or court has over the whole realm, or a special district, or a certain class of actions.

JURY. It is now acknowledged that the twelve *compurgators* whose function it was in A. S. times to declare the innocence of an accused person, had no real resemblance to the jury, which was not instituted until the reign of Henry II. Trial by Jury in criminal cases was recognised by *Magna Carta*, but its members did not become sole judges of fact until the reign of Edward VI. (See Forsyth, *Trial by Jury*, p. 199; Stubbs, *Const. Hist.*, i. 619-20.)

JUSTICE OF THE PEACE. Unpaid judges, selected from among the chief land-owners in the country, and of citizens in towns, to preside over the courts of Petty Session, and, when necessary, to commit prisoners for trial before the Quarter Sessions or Assizes. The office was instituted in 1360, but very similar functions had before been executed by the "Conservators of the peace."

JUSTICIAE. The whole jurisdiction over

England, now once more united in the Supreme Court of Justice, after separation among the various courts of Westminster Hall, was originally also lodged in one court, called the King's Court, presided over by a high officer, the *Jus-
ticiar*, who in the king's absence acted as vice-
roy. Among the holders of this office may be
mentioned Odo and William Fitz-Osborn under
the Conqueror; Ralph Flambard in 1099;
Roger, Bishop of Salisbury under Henry I.;
Robert, Earl of Leicester, under Henry II.; and
of later holders, the most famous was Hubert de
Burgh.

KING'S EVIL. The scrofula, a disease which
was supposed to be cured by the touch of the
sovereign. Edward the Confessor was the first
who made the attempt (see Freeman, *H. N. C.*,
ii. 527), and Queen Anne the last.

KNIGHT (*Miles* or *eques*; Fr. *Chevalier*;
Germ. *Knecht*). A word which has greatly
changed its meaning. Orig. in the Germ. =
servant, but speedily acquired that of a military
rank, the king's *Knechte* being his officers.
One non-military sense remained in the "Knight
of the Shire." There were several Orders of
Knighthood, the lowest and most ancient being
that of *Knight Bachelor*. King Alfred con-
ferred this dignity on his son Athelstan. At
present the dignity has declined in estimation,

the judges only receiving it from precedent. (See Stubbs, *Const. Hist.*, i. 367.)

KNIGHT'S FEE. The territorial unit of the Feudal system, measured not by extent, but by rent or valuation. It was settled at the annual value of £20. (Stubbs, *Const. Hist.*, i. 164-6.)

LATHE. Old name for the subdivision of some English counties.

LAZZI. An old Saxon word equivalent to the *serviles* and *liti* of the Latin writers. (See Stubbs, *Const. Hist.*, i., 42, 46.)

LÆN-LAND (A. S.). Either folc-land or boc-land leased out to free cultivators. (Stubbs, *Const. Hist.*, i. 77.)

LÆT (A. S.). The word used in the Laws of Kent to denote the third and lowest of the social divisions, *eorl*, *ceorl* and *læt*, equivalent to the *nobilis*, *ingenuus* and *servus* of Tacitus. (Stubbs, *Const. Hist.*, i. 42.)

LEGATE. (*Legatus.*) The Ambassador or *nuncio* representing the Pope in foreign countries. They were of two sorts: 1. *Legatus natus* of limited authority sometimes held before the Reformation in England by the Archbishop of Canterbury. 2. *Legatus a latere* who had fullest powers without appeal over all ecclesiastical affairs in the kingdom. Sometimes one of this

latter class was sent over in addition to the resident *legatus natus*.

LEGALIS HOMO. A man possessed of all the rights of a freeman.

LE ROY (LA REYNE) LE VEULT. The ancient form of words by which the royal assent to an Act of Parliament is still given.

LE ROY (LA REYNE) S'AVISERA. The form in which assent is refused.

LETTERS PATENT. Writings of the Sovereign under the Great Seal, by which privileges or rights are conferred. So called because they are *open*, with the seal affixed, ready for inspection. The word "Patent" is now generally used in reference to the privilege which can be secured by an inventor.

LIEGE. An epithet which, when coupled with the word *lord*, means one entitled to allegiance; and with the word *man*, one bound to yield it.

LITUS. A word found in the Capitularies, meaning the lowest of the three social divisions in the earliest Teutonic civilization, viz.: *nobiles*, *ingenui*, *liti*. They were distinctly removed from the class of *servi*. (See Stubbs, *Const. Hist.*, i. 45-47.)

LOLLARD. A name given to those who dissented from some of the doctrines and practices

of the Church in England before the Reformation. The first trace of them is in the reign of Henry II. (*Diceto*, 539), but in the reign of Edward III. and his successors they were numerous. Against them the statute 2 Hen. V. c. 7 was directed, repealed by 1 Ed. VI. c. 12. (Stubbs, *Const. Hist.*, ii. 450.)

LORD (*Dominus.*) A title of honour, applied (a) by creation or descent to *peers*, or "lords of Parliament;" (b) by courtesy to the younger sons of dukes, marquesses, and earls; (c) by tenure of particular estates to those called "lords of manors."

LORD HIGH ADMIRAL. An office of great dignity, which anciently combined not only the supervision of the navy and dockyards, but all that is now embraced by the Board of Trade. It is now always put into commission, the *First Lord of the Admiralty* having a seat in the Cabinet.

MÆG-BURH (A. S.). Kindred, family. (Bosworth.)

MALETOTE (an illegal or arbitrary tax) (Der. *Malatolta*, or *Malatollia*—"the evil *tolta* or tax," from *tollo*, "to take as toll"). A duty or tax imposed on wool without any authority except the king's pleasure, and earning more dislike from the fact that wool was the chief staple. By M. C., § 41, "the liberty granted to trade includes

an exemption from all '*malis tollis*,' except only in time of war, and when the merchandise in question belongs to the hostile nation." In the Confirmation of the Charters (1297), it was enacted (§ 7) that no "*male-toute*" should be demanded in addition to the custom on wool, skins, &c., granted by Parliament. (See Stubbs, *Const. Hist.*, ii. 134, 523, ff.; *Sel. Chart.*, 301, 435-7.)

MANDAMUS. A writ issued formerly from the Court of *Queen's Bench*, now from the High Court, commanding an inferior court or corporation to perform some duty. Before it is granted, the parties affected by it are allowed opportunity of showing cause against it.

MARCHES. The border-lands between England and Wales and Scotland respectively, the latter being divided into the West and Middle Marches. The knights and barons who lived in these districts were known as *Marchers*.

MARK. A very ancient territorial division, the land held in common by a settlement bound together by ties of family or clanship. (See Stubbs, *Const. Hist.*, i. 49, ff.; Waitz, *Deutsche Verfassungsgeschichte*; Von Maurer, *Markenverfassung*; &c.)

MARQUESS (or *Marquis*). The second title in the peerage, next to that of a duke, and superior to an earl. Probably derived from the

word March (*see MARCH*). The title was first created in its present form in the reign of Richard II. It is granted by patent, and anciently by the bestowal of a sword and a mantle.

MARTIAL LAW. In times of civil disturbance, when the courts of justice are prevented from sitting or exercising jurisdiction, a more summary way of securing the peace of the country is provided by proclaiming *martial law*, under which accused persons are tried without a jury, and with few of the forms of ordinary justice. It is not recognised by our Common or Statute law except (a) for the discipline of soldiers, which also is secured by an annual Mutiny Act; and (b) for the case of hostile invaders.

MAYOR (Lat. *Major*). The chief governor of a city or corporate town, an office first mentioned in the reign of Richard I., who made the bailiff of London a mayor. The office is held for a year, unless there is re-election. The mayors of London and York enjoy the dignity of being called Lord Mayors.

MINT (*Monetarium*). The place where the money of the State is coined.

MISE (Fr. *Mise*). A term possessing several meanings in law. The meaning of *Mise* of Lewes, &c., is agreement, compact, in the sense of compromise.

MODUS TENENDI PARLIAMENTUM. A treatise probably written in the earlier part of the 14th century, describing the Constitution of Parliament. It is not an accurate statement either of that or earlier procedure, (*See* Stubbs, *Sel. Chart.*, p. 502.)

MONOPOLY ($\mu\circ\nu\circ\sigma$, and $\pi\omega\lambda\epsilon\omega$). The privilege of alone dealing in and selling a particular article, or conducting a branch of trade or commerce. Often held or granted by the English kings, and some instances still existing, as the Post Office, and the right of printing Bibles vested in the Universities, &c. The system of patents and copyrights gives a qualified monopoly to inventors and authors.

MORGEN-GIFU (A. S.). Gift from husband to wife on marriage; left to a widow.

MORT D'ANCESTOR. A writ of Assize for trying a claim to lands based on inheritance. (*See* Jacobs, *Law Dictionary*, s. v. "Assize.")

MORTMAIN (*Manus mortua*) means the alienation of lands and houses to the benefit of any corporation, church or brotherhood. Forbidden (except with consent of the king or lord of manor) by the *Statute of Mortmain* (7 Ed. I.), following up the provision of *Magna Carta*, § 36. (Stubbs, ii. 112, ff.)

MOTE from A. S. *Gemöt*—public assembly.

There were various kinds, viz. : *Folc-gemót, scire-gemót, burh-gemót, hundred-gemót, halle-gemót*, and ward-mote.

MUND-BORA (A. S.). Lit. "A bearer of protection, a protector." A title applied to the king. (Stubbs, *Const. Hist.*, i. 176; and Bosworth.)

NATIONAL DEBT. Although Charles II. raised money by loans not repaid in his reign, it is usual to date the English *National Debt* from 1692, when the great expenses of the war compelled the raising of loans. An attempt was made in 1786 to pay it off gradually (see SINKING FUND), but during the great French War, 1793-1815, it rose from 240 to 850 millions. It is now gradually decreasing. (See FUNDS.)

NATURALISATION. The process by which a foreigner obtains the position and privileges of a subject in another country.

NAVIGATION ACTS. Statutes passed with the object of encouraging the shipping trade in England, by prohibiting the use of vessels belonging to other countries for our merchandise. The chief law was Cromwell's, passed in 1651. It was confirmed by 12 Car. II. c. 18. All Navigation Acts were repealed in 1849.

"NE EXEAT REGNO." A writ to restrain any person from leaving the kingdom in order to escape prosecution or proceedings in bankruptcy.

NEW and OLD STYLE. Two important changes were effected in the year 1752 by the Act introduced by Lord Chesterfield, and known as 24 Geo. II., cap. 23. In the first place the old legal reckoning of the year from the 25th of March was abandoned, and the system of counting from January 1 adopted. But a more important change consisted in the substitution of the New or Gregorian for the Old or Julian *style*. The former was suggested by Pope Gregory XIII., and was adopted in the year 1582 by the greater part of Italy, Spain, and Portugal, very shortly afterwards by France, the R. C. cantons of Switzerland, the R. C. Netherlands, Poland, Hungary, and the greater part of the Empire. The alteration consisted in the omission (at first) of ten days from the calendar, namely, that the day following the 4th of October should be called the 15th of October, 1582. Also, certain *hundredth* years, formerly considered leap-years, having 366 days, were no longer so reckoned. Only *fourth hundredth* years were to be leap-years. But as the New Style was not universally adopted in 1582, the number of days to be struck out varied in different countries. After the year 1700, the first of the specified years, an additional day had to be omitted, and, therefore, when adopted by England in 1752, the day after Wednesday, September 2, was called Thursday, September 14. The year 1800 also coming under the rule, it follows that the nations still re-

taining the Old Style are now 12 days behind. Protestant nations retained the Old Style for a considerable time, partly through religious prejudice. At Leibnitz's persuasion, the German States adopted the New Style in the year 1700, followed by Denmark, Holland, and the remaining part of Switzerland. Sweden followed England in 1753.

NITHING (A. S.). A wicked man, an outlaw. (See Thorpe's *Lappenberg*, ii. 248.)

NONJURORS. Those persons who refuse to take the oaths of allegiance, &c., demanded by Government. The term is generally applied to those bishops and others who refused to recognise the accession of William and Mary in 1688. (Macaulay, ch. xiv.)

NOVEL DISSEISIN. A writ of assize, by which the right to real or landed property was tried before a jury. (See Jacob's *Law Dictionary*, s. v. "Assize.")

NUNCIO. (See LEGATE.)

OLD STYLE. (See NEW STYLE.)

ORDEAL. (A. S. *Ordæl*, a just judgment). An ancient form of trial to determine guilt or innocence. In England there were two ordeals: 1. *By fire*, confined to persons of higher rank, consisting in touching red-hot iron: 2. *By water*, either by plunging the arms into boiling

water, or being cast into a river. (*See WAGER OF BATTEL.*)

ORDINARY. The official possessed of direct jurisdiction in any subject, a word almost exclusively used to describe the bishop of a diocese. The *Ordinary* of Newgate was the prison chaplain.

ORGYLDE (A. S.). Sometimes written *Ægylde*. Unavenged, unatoned for, in the sense of an offence for which the fitting satisfaction had not been paid. (Bosworth.)

OVERT ACT. An open manifest action which can be proved by evidence. To secure a conviction for Treason, some *overt act* must be proved, such as providing arms for civil war or assassination, &c.

OUTLAW (*Utlagus*: A. S. *Utlagh*). One deprived of the benefit of the law and the protection of his sovereign. If any person refuses to appear to answer a writ, and cannot be arrested, he is *outlawed*. Anciently any person was permitted to kill an outlaw, but this was changed in the reign of Edward III., when it was enacted that only a sheriff armed with a warrant could put an outlaw to death. (*See NITHING.*)

OYER AND TERMINER. The commission to judges to *hear* and *determine* all felonies and misdemeanours brought before them. It is the

first and most important of the five commissions by which the judges hold assizes. (*See ASSIZES.*)

PAGUS. A district, province, and generally "the country," in contrast to town. Corresponds to A. S. Hundred and Wapentake, which *see*. (Stubbs, *Const. Hist.*, i. 44, 71, 96.)

"PAINS AND PENALTIES." A technical term expressing the result of Acts of Attainder (*see ATTAINDER*) beyond the effects of the common law, or contrary to it. It did not imply always the full scope of an Attainder, as in the case of Queen Caroline, where it was sought to disqualify her from the position of Queen Consort. An Act was passed in the reign of George I. (9 Geo. I. c. 7) inflicting *pains and penalties* on the Bishop of Rochester, by which he was deprived, banished, and disabled from holding any post or benefice.

PALLIUM (*Pall*). A robe made of lamb's wool, worn by Archbishops, very rarely by Bishops. Before the Reformation, the *pallium* was given to the newly-appointed archbishop by the Pope directly after it had been placed on the high altar of the Lateran church. At one time it was necessary to receive it at Rome, but later it was sent by a legate. (Stubbs, *Const. Hist.*, iii. 296.)

PARDONS. (*See INDULGENCES.*)

PARISH. (*Parochia.*) A very ancient territorial division for ecclesiastical purposes, the extent of which one priest had charge, and formerly called the mark, township, or *vicus*. (Stubbs, *Const. Hist.*, i. 85).

PARLIAMENT. (*Parliamentum*; Fr. *Parlement*). The meeting of the council of the nation for the purposes of debate. The word is first used by Matthew Paris in 1246, and sometimes "*colloquium*" is used in the same sense. For the history of the English Parliament see Stubbs, *Const. Hist.*, i. 470; ii. 224, 236, & ff.; iii. 467. Hallam, chaps. vi. and vii.

PATENT. (*See LETTERS PATENT.*)

PEER. (*Pares.*) The literal meaning "*equals*" is preserved in the legal phrase "*trial by his peers.*" The nobility are called Peers because, in respect of being lords of Parliament, all of them have equal authority.

PEINE FORTE AND DURE. A punishment formerly inflicted on those who, when brought to trial, refused to plead "*Guilty*" or "*Not Guilty*." The accused person was pressed to death by heavy weights. There are instances in our law books of persons submitting to this in order to escape the forfeiture of estates which a conviction for treason or felony would have entailed. It was abolished by 12 Geo. III. c. 20, and at

present, if an accused person stands "mute," a plea of "Not Guilty" is entered for him.

PILLORY. A disgraceful punishment inflicted in former times on minor offenders, such as perjurers, users of false weights, &c. It was a wooden frame holding the head and hands, and the culprit was exposed publicly in it for one or more hours. Many persons died in the pillory from the ill-treatment of the mob, who were not hindered from throwing stones, &c. Popular characters, on the other hand, were received with applause. Abolished by 1 Vict., c. 23.

PIRATE. A sea-robber or rover. Piracy is denounced by all laws as the worst of offences, Coke defining a pirate as *hostis humani generis*. An act of robbery to be *piracy* must be committed on the *high seas*. (See HIGH SEAS.) These offences may be dealt with by martial law, according to the Statute 11 & 12 Will. c. 7, but the present usage would be to send culprits for trial before the regular courts.

PLANTATIONS. An old name for colonies.

PLEAS (*Placita*). The facts or reasons which either party in a trial alleges on his behalf. *Pleas of the Crown* are all suits brought in the sovereign's name, though in most cases concerning the interests of individuals. Many other descriptions of pleas, some of them now obsolete, are to be found in law dictionaries.

POLL-TAX. A tax levied by the head, without distinction of rank or estate. In 1377, a poll-tax of a groat a head was granted; two years later, one graduated according to rank, from the Duke of Lancaster at 10 marks, to the lowest class at a groat. Another graduated poll-tax was imposed in 1380. (*See* Stubbs, *Const. Hist.*, ii. 439, 447.)

POOR-LAWS. In 1349 a law was passed (23 Ed. III. c. 7) making it an offence to give to a beggar able to work. The first real attempt to grapple with the question was in 1535, by a law which provided for the maintenance of the sick and aged poor. In the same reign the severest measures were adopted against vagrants and "sturdy beggars." In the reign of Elizabeth our present system was commenced (1601) and there was no material alteration until 1834, when the Poor Law Commissions were instituted, now called the Local Government Board.

POSSE COMITATUS means "the power of the county," or all men above the age of 15, who may be summoned in case of riot, or other imminent peril.

POUNDAGE. A subsidy of twelve pence in the pound, anciently granted to the king on all merchandise imported or exported. (*See* 1 & 2 Ed. VI. c. 13; 12 Car. II. c. 4.)

PRÆCIPÉ (Writ of). A peremptory writ enjoining the sheriff to command the person in question to do some act, or show cause why he should not be compelled. § 34 of *Magna Carta* limited the use of this writ, which seems to have been employed to bring to the king's court cases rightly belonging to other jurisdictions. (See Stubbs, *Const. Hist.*, i. 536; Jacob and Burrill, *Law Dictionaries*.)

PRÆMUNIRE (in reality *præmonere*). A word which means both an offence, and the means by which that offence is dealt with by law. The *offence* may be roughly described as the commission of certain acts ignoring or contravening the king's prerogative, especially as concerning the Church. The abuses connected with nominations to English benefices by the Pope in the 13th and 14th centuries became so grievous that Edward III. attempted to remove them by several laws (25, 27 & 28 Ed. III.). His successor made a still more severe law (16 Rich. II. c. 5) against those who took part in so-called "provisions," making them outlaws. These laws were naturally extended after the Reformation, and every reference to a license, dispensation, or faculty from Rome was made "*præmunire*" by 23 Hen. VIII. c. 2, and 28 Hen. VIII. c. 16. These laws are obsolete, when not expressly or virtually repealed.

PREBEND. A post of dignity and profit in

the Church attached to a cathedral. In some dioceses there are two divisions of prebendaries ; the higher or *canons residentiary*, and those who only possess a stall.

PREFROGATIVE (*Præ-rogare*). A word embracing all the rights possessed by the sovereign of the State, as chief of the commonwealth, and entrusted with the execution of the laws.

PRESCRIPTION means a title, right, or immunity acquired by lapse of time.

PRESS-GANG. "Impressment," or forced enlistment for military or naval service during time of war, is mentioned in a statute of Richard II., and was usual in England up to the Peace of 1815. Since that time, although never legally abolished, the system has been abandoned.

PRIMOGENITURE. The right of an elder son or brother to succeed to lands in default of a will. *Coke upon Littleton* traces it to the time of King Alfred ; but more modern authorities hold that the system of equal division among sons remained until the Conquest.

PRIOR. The next in dignity to the Abbot in the rule of a monastery. Some of these establishments, called *Priories*, were solely governed by them, and they had seats in the Council. (See **ABBOT**.)

PRISAGE. A royal privilege of taking from every ship laden with wine one cask out of every ten, at the price of twenty shillings the cask. (Stubbs, *Const. Hist.*, ii. 523; Madox, *Hist. Exch.*, p. 525.)

PRIVATEER. A private man-of-war, that is, a ship belonging to a private owner, but authorized in time of war to carry on hostilities against the nation with which its Government is contending.

PRIVILEGE. An exemption from the effects of the law, as when a peer or member of the House of Commons was exempted from arrest for debt during the session of Parliament. Very few *privileges* now remain except to the Royal Family.

PRIVY COUNCIL. From the earliest times, the sovereigns of England have been assisted by a council of wise men. After the separation of the Parliament it lost importance, except for a time under Henry VIII. Charles II., on the advice of Temple, attempted to govern with a council of 30, but the scheme was abortive. With the exception of the Judicial Committee, first created in 1833, and the occasional issue of Orders in Council (which cannot override the law) the Privy Council has little political importance. (See CABINET.)

PRIVY SEAL. One of the three seals which are used in giving authority to state documents,

viz., the Privy Signet, the Privy Seal, and the Great Seal. Its holder is one of the ministers who always has a seat in the Cabinet.

PRIZE COURT. The naval court which decides as to the treatment of ships captured in time of war, and which appoints the shares of the captors, when the ship is declared to be "condemned" or confiscated.

PROROGATION. Adjourning the meeting of Parliament to a future time.

PUR FILLE MARIER (O. F.). A tax or service imposed by the feudal law upon all tenants when the daughter of the over-lord was to be married. In the years 1245 and 1290 it was received by the Crown.

PURVEYANCE meant in early times the privileges held by those tenants and servants on the king's demesne who were employed in providing for the royal household. Later, when the system was found impracticable, it applied to the advantages allowed to the king's officers in *buying* provisions. Abolished at the Restoration by 12 Car. II. c. 24.

QUARTER SESSIONS. A general court, held by the justices of the peace in every county once a quarter. Its jurisdiction has been greatly increased, and it is empowered to give sentence of penal servitude.

QUEEN ANNE'S BOUNTY. A fund for the benefit of poor benefices in the Church of England, instituted in the year 1703, to which Queen Anne gave up her claim to certain profits belonging to the Crown. (*See FIRST FRUITS.*)

QUIA EMPTORES. The first words of a famous statute, passed in the year 1290, which forbade subinfeudation and the formation of new manors. By its effect lands granted or otherwise alienated ceased to have any connexion with the subordinate grantor, but the new owners had to give service to the original lord. (*See Stubbs, *Const. Hist.* ii. 122.*)

QUO WARRANTO. A writ which is employed against any person or corporation which usurps any franchise or privilege without due authority. It may also be employed in case of mis-use, or even non-use, of such privileges. In the reign of Charles II., *anno* 1683-4, the charters of many cities, including London, were recalled under this writ.

RACHIMBURGI. The Frankish equivalent of the "Scabini," which *see infra*.

RAPE. A division of a county, of various extent. Sussex contains six rapes, viz., Arundel, Bramber, Chichester, Lewes, Pevensey, and Hastings, each with a castle and a forest originally belonging to it.

RECOGNITORS. (*See GREAT ASSIZE.*)

RECORDER. A barrister chosen by the corporation of a city to preside over their sessions-court, and generally to advise them in law.

RECUSANTS. The name formerly given to those who adhered to the Pope as the supreme head of the Church, and denied the king's supremacy. Many penal statutes were made against them; they were disabled from holding office, inheriting land, practising law or physic, presenting to an advowson in their patronage. These laws were gradually repealed, and Roman Catholics attained full political equality by the *Emancipation Act of 1829*. (May, *Const. Hist.*, ch. xii).

REGALIA. In reality all royal privileges, but generally used in the sense of the royal treasures and jewels, such as the crown, sceptre, globe, &c.

REGENT. (*Regens.*) One who rules. But in history the word is always taken in its secondary sense of one who rules *in the place of another*, as when the Prince of Wales acted as *Regent* from 1811 to 1820, owing to the incapacity of George III.

RELIEF. A sum of money paid to the lord by a tenant's heir before he could obtain his father's lands. It was the Norman equivalent of the English *heriot*, which differed somewhat in being payment of a debt from the dead man to

his lord. (Stubbs, *Const. Hist.*, i. 261, 383). In the reign of Henry II. the *relief* of a knight's fee was five pounds.

RELIEF. One of the feudal obligations of the Norman feudal system, nearly resembling the *heriot* of A. S. times. It was paid by the heir before he could obtain his father's lands. (See Stubbs, *Const. Hist.*, i. 261, 305, 366.)

RETAINER. Meant one who was subordinate, either as being a tenant or under other obligation, but not a menial servant.

SANCTUARY. By the laws of Ina it was enacted that those accused persons who took refuge in certain churches should be left in security; and the principle, deduced from Scriptural precedent, was carried out by later rulers. Later the privileges were much restricted (see **ABJURATION**), and the number of sanctuaries reduced. The whole was abolished by James I.

SCABINI. A corrupt Latin word, equivalent to the German "Schöffen," and meaning a body of men appointed for life to act as judges. The number was either seven or twelve. (See Stubbs, *Const. Hist.*, i. 103, 115, 610).

SCANDALUM MAGNATUM. The technical term applied both to an offence and the legal means for punishing it. It meant any injury or slanderous report which affects a member of the

House of Lords, or any great officer of State, and especially any false tidings by which discord might arise. (E. g. For saying in the pulpit : "*The Lord Leicester is a wicked man and an enemy to the Reformation,*" a clergyman was convicted of *scandalum magnatum*, and £500 damages given.)

SCOT AND LOT (A. S. *Sceatta, hlot*). Means the "tax" and "share" which each person had to pay in due proportion. The term is still preserved in our statutes.

SEPTENNIAL ELECTIONS. Elections every seven years, instituted in 1715, by the Septennial Act (1 Geo. I. st. 2, c. 38). Some attempts have been since made to restore triennial Parliaments, but in vain. (See **TRIENNIAL PARLIAMENTS.**)

SESSIONS. The meeting of any court, ^{for} the purpose of transacting business; but in the plural form, now used to describe the inferior courts presided over by Justices of the Peace.

SETTLEMENT (Act of). A measure was passed in 1702 (12 & 13 Will. III. c. 2) to secure the succession of the Crown in default of issue by William III. or the Princess Anne. It was enacted that the Crown should devolve on Sophia, Electress of Hanover, and her descendants; that the sovereign should belong to the Communion of the Church of England; and

that the nation should not be required to defend any foreign dominions (with reference to Hanover) without consent of Parliament.

SHERIFF. (A. S. *Scir-gerefa*—*Vice-comes*) Was the officer who had direction of the taxes in a county, besides other duties. He was under the orders of the Ealdorman. After the Conquest, the same duties were performed by the *vice-comes*. Stubbs remarks that the sheriff was always a royal officer, and not, like the *vice-comes*, the substitute for the earl. (*Gloss to Sel. Ch.*)

SHIRE (A. S. *Scir*). It is not certainly known when our present division of counties was settled, probably not before the Conquest. (*See Styl ps, Const. Hist.*, i. 109-118.)

S^{er}ONY. The offence of buying or selling ecclesiastical offices. In 1699, Bishop Watson, of St. Davids, was deprived on being convicted of this offence. (*See St. Tr.* xiv. 447.)

SINKING FUND. A Fund commenced in 1786, with the object of paying off the National Debt. (*See NATIONAL DEBT.*)

SOC (A. S.). A liberty or privilege, generally of being allowed to hold a court, and, from this, the district in which such jurisdiction was held. (*Bosworth.*)

SOC (A. S.) or *Socna*. A liberty granted by the king to a subject. (*Ibid.*)

SOCAGE (*Socagium*). Tenure of land on condition of fixed services. Some authorities derive it from Fr. *soc*—a plough-share, rather than from the word above, and explain it as meaning a tenure depending on service by payment in money or agricultural produce, rather than military service. By 12 Car. II. c. 24, the statute which practically ended the feudal system, “all tenures were converted into *free and common socage*.”

SOCN (A. S.). 1. An inquiry—examination. 2. The liberty of holding court or *soc*. 3. A refuge—sanctuary. (Bosworth.)

SPEAKER. The President of the House of Commons, armed with authority under its “standing orders.” He ranks as the first stCommoner of England. The Lord Chancellor has a similar position in the House of Lords, but his authority is much less extensive.

STANNERIES (from *stannum*, tin), or Stannary Courts, for causes belonging to the Cornish miners. The word is mentioned in a charter granted by John, in 1201.

STAPLE. Means the *chief* produce or manufacture of the kingdom. In the reign of Edw. III., when the first Ordinance of the Staple was

made, it comprised wool, sheep-skins, leather, lead, and tin. There was a trade guild of the Staple, with extensive privileges. (See Stubbs, *Const. Hist.*, ii. 411, 485.)

STAR CHAMBER (*Camera Stellata*). The name has been supposed to be derived from "starrs," or the bonds made with the Jews, which were preserved in a chamber at the Palace of Westminster, but Bishop Stubbs prefers the simple explanation of gilded stars on the ceiling. Hallam considers that this court originally was the *concilium orainarium*, but it was re-modelled by Henry VII. in 1486. It was abolished by the Long Parliament in 1640, and an attempt to revive it in 1662 was ineffectual.

STATUTE. (See ACTS OF PARLIAMENT.)

S^{ILVER} F^{EE}LING. The word describing at first the silver money current in the kingdom, derived from the coins stamped first by the so-called "Esterlings," or German merchants, in the reign of King John. At present it is chiefly used in connection with gold or pounds, and means the exact value, according to proportion of pure metal and alloy, settled by law. (See APPENDIX.)

SUBINFEUDATION. The granting of lands under feudal obligation by a tenant-in-chief to a subordinate tenant.

SUBSIDY. A grant of money to the Crown levied by tax on both *real* (*lands*) and personal

property (*money, cattle, &c.*). It varied in assessment, and is often mentioned with the general meaning of *tax*. It is stated by Rapin (*Hist. of Eng.*, v. 48, ? *authority*) to have been originally "twenty shillings of every knight's fee, and twelve pence of every one that had twenty shillings a year in and, or twenty pounds in money or goods." In 1625 two subsidies produced about £150,000, and consisted of a tax of 4s. in the pound on real property, and 2s. 8d. on personal estates of £3 and upwards." (Bright, ii. 613, note 1.) Dr. Stubbs informs me that, prior to the reign of Mary I, the word implies merely a vote of taxes or imports defined by the vote itself; but subsequently "*a subsidy*" comes to mean the tax of 2s. 8d. and 4s. (*approx.* 64c. and 97c.), as described above.

SUFFRAGAN. The title given to an assistant-bishop in a diocese, who is empowered to perform all episcopal acts, but does not hold a barony. All English bishops are legally suffragans to the Primate of their province.

SUPPLY. The money granted by the country in the form of taxes for the expenses of government.

SUPREMACY (Act of). By 26 Hen. VIII. c. 1 (1534) the king was declared "the only supreme head in earth of the Church of England." The Act was repealed by Queen Mary (1 & 2

Phil. & Mary, c. 8.), but restored by the first Act of Queen Elizabeth's reign. (See Hallam, *Const. Hist.*, chaps. i.-vi., *passim*.)

SYNOD. (*σύνοδος*). A meeting or council of bishops or other clergy. 1. Ecumenical or general, when composed of bishops of different countries; 2. National; 3. Provincial; 4. Diocesan. The Convocations of the Church of England are *provincial* synods.

TALLAGE. The tax, otherwise called *donum* and *auxilium*, imposed by Henry II. in lieu of the ancient Danegeld. It varied in amount. In 1297 the Statute *de Tallagio non concedendo* was passed. (See Stubbs, *Const. Hist.*, ii. 142 ff.)

TALLIES. The ancient methods of keeping accounts. The *Tally* was a long piece of wood in which notches were cut, marking the pounds, shillings, and pence received; the stick was then split down the middle, and each party retained a portion. (See Madox, *Hist. Exch.*, p. 708; Stubbs, *Const. Hist.*, i. 380, iii. 385). The great fire which destroyed the Houses of Parliament in 1834 is said to have been caused by the burning of the old Exchequer tallies.

TENTHS. (See TITHES.)

TEST ACT. Or, more correctly, the "Test & Corporation Acts," were passed in 1673 (25 Car. II. c. 1 & 2). All office-holders were compelled

to take the Sacraments and make a declaration against transubstantiation. They were repealed in 1828 (9 Geo. IV. c. 17).

THANE (*Thegn.*) The military companion of the Anglo-Saxon king, but also implying generally a landowner of at least five hides. (See Stubbs, *Const. Hist.*, i. 155 and ff.)

THEOW (A. S.). A slave by birth, a bond-servant, a serf. (See Stubbs, i. 78-80; and Bosworth.)

TITHES. The custom of giving the tenth part of all property to the Church was very ancient, and was compulsory by law in England in the 8th century. (Stubbs, i. 228.) In 1836 a law was passed to commute the payment of tithes into a rent-charge based on the average price of wheat, &c., for seven years.

TRAILBATON. (Anc. *Traille Baston.*) The name for the outlaws who were hired for purposes of outrage. They became so numerous towards the beginning of the 14th century that a special commission was issued in 1305 to the itenerant justices, the *Writ of Trailbâton* giving summary powers to deal with them. See also the Statute of Winchester (1285). (Stubbs, *Const. Hist.*, ii. 118; *Sel Ch.*, pp. 469 ff.)

TRANSLATION. The removal of a bishop from one diocese to another.

TREASON (*Traditio*; O. F. *traïssoñ*). The offence of attempting to overthrow or betray the country to which a person owes allegiance. The law of Treason was first defined in the reign of Edward III. (1352), and included planning the death of the king, queen, or their eldest son, making war against the king in his realm, killing certain high officers of state, &c. But many other acts were declared treasonable by later Statutes. In 1397 it was made treason to attempt to reverse Acts of Parliament passed in that session. Further additions were made, especially by Henry VIII. The punishment was death by hanging, and quartering, with many cruel details, and forfeiture of estate. Since the Revolution the law of Treason has been modified. Forfeitures were abolished in 1870. (See Stubbs, *Const. Hist.*, iii. 516-19; Hallam, *Const. Hist.*, vol. iii. 148-160.)

TRIENNIAL PARLIAMENTS. The system by which a Parliament must be dissolved, and the House of Commons re-elected, at the end of *three years* at latest. First established in 1641, afterwards ignored by Cromwell, and repealed under Charles II. in 1664. Triennial Parliaments were re-established in 1694, and again abolished in 1715. Since then several attempts made to restore them have been ineffectual.

TRINODA NECESSITAS. Duties or services, from which no persons were free, *viz.* (a) repair-

ing bridges; (*b*) maintaining castles and garrisons; (*c*) assisting to repel invasions ("exceptis his tribus, expeditione, pontis et arcis constructione".)

TUNGEREFA (A. S.). The head-man of the township or village. (*See* Stubbs, *Const. Hist.*, i. 82.)

TWI-HYNDE (A. S.). The lowest class of free-man, whose *wergild* was two hundred shillings. Also called Ceorls. The *twelf-hynde* man's was 1200.

VASSAL. One who held land of a superior, and rendered services for it.

VAVASSOR (Norm.). An inferior vassal, holding of a baron.

VISCOUNT (*Vice-comes*). The Norman equivalent of the sheriff. It became a title of dignity, conferring a peerage, in the 15th century. (*See* SHERIFF.)

VILLEIN. A landless man who, although not a slave, was in a position of extreme dependence upon his lord. (*See* Stubbs, *Const. Hist.*, i. 426-8.)

USURPATION. Unlawfully seizing, or occupying, the property or dignity rightly belonging to another.

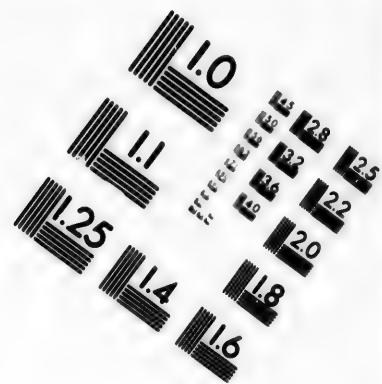
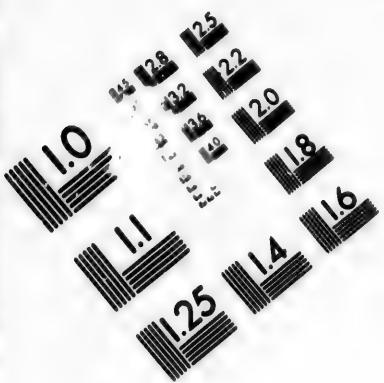
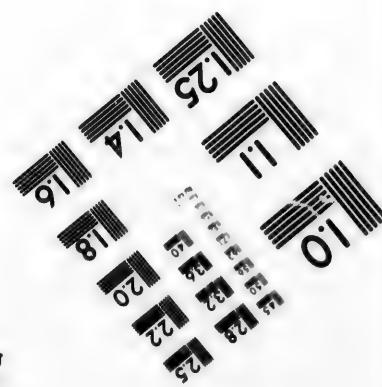
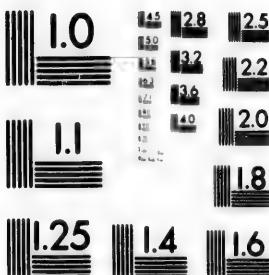


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WAGER OF BATTLE (or Trial by Battel). A mode of deciding a dispute, or the innocence of an accused person, by single combat, introduced into England from Normandy, and substituted for the Ordeal in 1218. In 1571 Queen Elizabeth prevented a proposed revival, but the law, though obsolete, was not repealed until 1819.

WAPENTAKE (*Wapengetæc*). A territorial division, generally the hundred in the counties north of the Trent. (Victor Hugo, in his *l'Homme qui rit*, imagined that the Wapentake was a *man* !)

WARD (A. S. *Weard*; O. F. *garde*). Is the equivalent of the word *custodia*, and is associated with two principal meanings.—(a) *Personal*, when a minor is placed under the guardianship of a relation, next friend, or the king's Court of Chancery. Originally it applied to the heir of a tenant *in capite* during his minority. (b) *Local*, divisions of a city or township for purposes of government or representation. The City of London has 26 wards, each of which elects representatives to the Court of Common Council. (See **WARD-MOTE**.) The word is sometimes used in the sense (c) of imprisonment; (d) rarely, of divisions in a forest.

WARD-MOTE. A term still employed to describe the court held in every ward of the City of London. On St. Thomas's Day, the muni-

cipal electors meet in *Ward-mote* to choose their representatives for the Court of Common Council.

WARRANT. The document which gives authority for carrying out some legal step, such as arrest, restraint, or capital punishment. It must specify the name of the accused, and the character of the offence. (*See GENERAL WARRANTS.*)

WEDD (A. S.). "A pledge, earnest, sign, promise, agreement." (*Bosworth.*)

WER (A. S.). The pecuniary estimation of a man, by which the value of his oath and the payment for his death were determined.

WER-GILD (A. S.). The payment for killing a man.

WITA (A. S.). A wise man, an elder. Hence, *Witena-Gemót*, a council or assembly of wise men.

WITE (A. S.). Literally, any evil or calamity. But is used in the A. S. laws in the sense of a penalty paid to the crown by a murderer. (*See WER.*)

WITE-THEOW (A. S.). One who in default of paying fines was reduced to slavery. (*Stubbs, Const. Hist.*, i. 78, note 4.)

WRIT (A. S. *Writ* or *gewrit*). An instrument in writing, under seal, commanding the performance or non-performance of some act by the person to whom it is sent, as a writ of *error*, of *mandamus*, &c. When the writ is directed to a sheriff or other officer, it is "returned" to the court which issued it.

APPENDIX.

SHORT ACCOUNT OF THE ENGLISH CURRENCY.*

ALTHOUGH we find the reckoning of pounds (*libri*), shillings (*solidi*), and pence (*denarii*), in the earliest times of the Anglo-Saxon conquest, the *scilling* was only a nominal unit, and the only silver coins were pennies of different sizes. There were inferior coins, probably of copper, of which the *sceat* is most commonly mentioned in the Laws.

$$1 \text{ pound} \left\{ \begin{array}{l} \text{libra,} \\ \text{pondus} \end{array} \right\} = 48 \text{ scillings} = 240 \text{ penigs} = 96 \text{ sceats.}$$
$$1 \text{ " } = 5 \text{ " } = 20 \text{ "}$$
$$1 \text{ " } = 4 \text{ " }$$

Other nominal coins were the *mancus* or *marc*, of the value of 30 penigs.

In Mercia a different calculation prevailed, *viz.* : 1 *pund* = 60 *scill.* = 240 *pen.* (250 *sc.*).

The privilege of coining was granted to subjects, for in the time of Athelstan there were eight mints at London, seven at Canterbury, and, in fact, one in every town.† The Danes reckoned by *ore*, although they used the English penny. The *ora* is considered by Thorpe to have been equivalent to 16 pennies.‡

*My authorities in this sketch have been mainly Leake's *Historical Account of English Money* (3rd ed. 1793) Ruding's *Annals of the Coinage* (2nd ed. 1810), and Maclarens' *History of the Currency* (1858). For Anglo-Saxon money I have used the tables furnished by Thorpe. (Append. to *Anc. Laws.*)

†In a charter of Edward the Confessor, quoted by Stow (*Annals*, p. 93), the Abbot of Bury St. Edmunds received permission to have a mint in his monastery.

‡The *Ore* is at present a Danish unit of reckoning.

The Norman kings continued the issue of the same coins, although their weight was diminished ; the object in thus debasing them, being not merely the gain effected, but also the mistaken notion that the wealth of the country increased with the extension of the currency. That such was not the case, was, indeed, one of the first of economic discoveries, and so well was it known that prices rose when the currency was further debased, that previous to any such proceedings it was always attempted to fix prices by Act of Parliament. Henry II., among his very valuable reforms, centralised the management of the coinage, by appointing an officer called *miles argentarius*, or "Assay-master." Some have also thought that in his reign took place the work of the "Easterlings" (see *STERLING supra*), but there is no evidence to fix the word before the reigns of Richard and John. Edward I. attempted in 1299 to check the importation of bad money by the statute *de falsa moneta* (27 Edw. I.), and by a later law (28 Edw. I. c. 20) made it penal for a goldsmith to make anything of gold or silver, unless of a certain standard. The worst period of debasement was the reign of Henry VIII., and one of Elizabeth's most beneficial measures was a general recall of the deficient currency, and new issue. During the Stuart period, it again suffered from malpractices (such as clipping, &c.), and after the revolution a commission was appointed by William III., consisting of Newton, Somers, and Locke. The result was the passing of the Act, 8 Will. III. c. 41, by which all the bad coins were recalled, the cost of the operation (£1,200,000) being defrayed by the imposition of a house-tax. A similar operation took place in the years 1773-6. Originally the English *pound* and the French *livre* meant the same—a pound Troy of silver. This is a curious proof of the extent to which debasement of the coin has been carried in each

country; in England to one-third, in France to one seventy-fifth of the original value.

Gold coinage was not generally used in England before the reign of Edward III.,* but foreign coins had been used since the time of Dunstan, who purchased the estate of Hendon for 200 bezants or *Bizantini*, so-called because coined at Constantinople. The name was afterwards applied generally to all gold coins, as in the case of the name "florin." Further particulars will be gathered from the following table:—

*There is a statement in one of the *Chronicles of London*, anno 1258, that "a penny of pure gold was coined, and commanded to go for twenty shillings." (Leake, p. 72.)

| REIGN AND YEAR. | SPECIES. | VALUE. | |
|----------------------------|---|-------------------------------------|------------------------------------|
| | | s. d. | £ c. |
| Edward I. (1290) | Groats (S). | 0 4 | 8 |
| Edward III. | Florins (G). | 9 0 | 1 46 |
| " | Nobles (G). | 6 3 | 1 52 |
| Henry VI. (1431) | [Half & quarter F. & N.] Half groats & half-pence Angelet or <i>angelot</i> (G)— half - angel, struck at Paris, while in hands of English. | | |
| Edward IV. | Rials (G), halves and quar- ters. | 10 0 | 2 43 |
| Henry VII (1504) | Shillings (S). Sovereigns (G), or double rials (<i>al.</i> "double rose- nobles.") | 0 12 20 0 | 24 4 86 |
| Henry VIII. | Testoons=shillings.) Forty-penny pieces (G), <i>i. e.</i> , half the noble of 6s. 8d. | 3 4 | 81 |
| Elizabeth. | Crowns of the double-rose. Threepences, twopences, three - half - penny, and three-farthing pieces (S). Portcullis crowns or dollars. for exportation (S). | 5 0 | 1 21 |
| James I. | Double-nobles (G). Broad-pieces, or laurels. Double-crowns (G). Thistle-crowns (G). Spur-rials (G). | 30 0 20 0 10 0 4 0 15 0 | 7 29 4 86 2 43 97 3 65 |
| Charles I. | [During civil war struck gold pieces of 10s., 20s., and £3.] | | |
| Oliver Cromwell (1856). | Pieces of 20s. and 50s. | | 4 86 |
| Charles II. | The 20s. pieces known, ac- cording to difference of form, as <i>unites</i> , <i>broad- pieces</i> , and <i>guineas</i> . Also, halves and quarters of above, double guineas and five-pound pieces. | | 12 16 |

The guinea rose subsequently (1695) to value of 30s. In 1717 reduced to 21s. Varied in value in the early part of present century, *e. g.*, 1810 sold for 22s. 6d., in 1816 for 27s. None struck after 1817, the date of the introduction of our present sovereigns.

It is far more difficult to ascertain the purchasing power of money at different times and its relative value as compared with our own currency. As the result is a "function of two variables," *i. e.*, the price of bullion and the plenty or scarcity of commodities, the most careful calculations are liable to error. We know, for instance, that the expenditure of Henry III. during a certain part of his reign did not exceed 24,000 marks per annum. Now a *mark* was equal to two-thirds of a pound, and a pound was as near as can be equivalent to three pounds of our present currency. Therefore the royal income would amount to £48,000 in present money. But it is further necessary to examine the prices of commodities, especially wheat, before a final conclusion is drawn. On this ground Hallam considered "any given sum under Henry III. and Edward I. as equivalent in general command over commodities to about twenty-four or twenty-five times their nominal value at present." During the period of the Wars of the Roses, the scarcity of money must have still further increased its purchasing power (*see PASTON AND PLUMPTON CORRESPONDENCE, passim.*) But the increase of prosperity in the next century has caused most authorities to reckon the £300,000 which Henry VIII. derived from subsidy and benevolence in 1545 as representing no more than three millions. The great debasement of the coinage, already alluded to, had naturally a great share in the result. Later in the same century the influx of the precious metals caused a rise in prices, that of wheat increasing as much as a

hundred per cent. from 1550 to 1599. From this time a steady development of national prosperity, together with the regulation of the currency after the Revolution, notwithstanding fluctuations due to war and other temporary causes, bring us down to the present day.

THE END.

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e Revolu-
war and
e present